United Nations A/64/769–S/2010/226

General Assembly
Security Council

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5 May 2010
English
Original: Arabic

**General Assembly**
**Sixty-fourth session**
Agenda item 15
**The situation in the Middle East**

**Security Council**
**Sixty-fifth year**

## Identical letters dated 30 April 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit herewith a copy of the letter which contains the Lebanese Government response to the Israeli allegations that were circulated to Security Council members on 19 April 2010.

I should be grateful if you would have this letter and its annex circulated as an official document of the sixty-fourth session of the General Assembly under agenda item 15, "The situation in the Middle East", and of the Security Council.

*(Signed)* Nawaf **Salam**
Ambassador
Permanent Representative

10-34926 (E) 060510 060510

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## Annex to the identical letters dated 30 April 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On 21 April 2010, the Permanent Mission of Israel to the United Nations in New York submitted to you an official complaint regarding Deputy Qasim Hashim that contained a number of fallacies. In refutation of the allegations made by Israel, Lebanon would like to affirm that Deputy Qasim Hashim is a Lebanese national and a deputy in the Lebanese Parliament, representing the Hasbayya-Marjayoun region. Contrary to the claims made in the Israeli letter, he did not engage in any acts of provocation. Together with other unarmed Lebanese citizens, he removed a barbed-wire fence which, in flagrant violation of Security Council resolution 1701 (2006), Israeli occupying forces had, some days earlier, put in place inside Lebanese territory, close to the technical fence. Deputy Hashim also raised Lebanese flags in order to affirm Lebanese sovereignty over that territory and demonstrate that the Lebanese people, army and resistance reject Israeli occupation of Lebanese land. Lebanon reiterates its affirmation that Israeli occupation of Lebanese territory constitutes a provocation to the patriotic sensibilities of the Lebanese and Arab peoples and to the feelings of all peoples that reject the aggressive policies of Israel, which it has manifested in repeated invasions of Lebanon and in its insistence on continuing to occupy Lebanese territory, paying no heed to Security Council resolutions and, in particular, resolutions 425 (1978) and 1701 (2006). Israel also repeatedly threatens neighbouring countries, indicating its constant readiness to attack, kill and destroy, and glorying in the power and preparedness of its army to undertake such missions against defenceless and innocent civilians and peaceful peoples.

Lebanon requests the Security Council, the international community and the United Nations Interim Force in Lebanon to bring pressure to bear on Israel to comply with the resolutions of international legitimacy and withdraw forthwith from all Lebanese territory. It is a fact that the continued Israeli occupation and the aggressive Israeli policy are the two main causes of instability and continued tension in Lebanon and the Arab region and, consequently, threaten international peace and security.

(*Signed*) Ali Hussein **Al-Chami**
Minister for Foreign Affairs and Emigrants

United Nations A/64/772–S/2010/227

General Assembly
Security Council

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**General Assembly**
**Sixty-fourth session**
Agenda item 21
**Question of Cyprus**

**Security Council**
**Sixty-fifth year**

## Letter dated 29 April 2010 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 29 April 2010, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Permanent Representative

10-34933 (E) 100510

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## Annex to the letter dated 29 April 2010 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 15 April 2010, addressed to you by the Greek Cypriot representative and circulated as a document of the General Assembly and of the Security Council (A/64/746-S/2010/196), which yet again contains well-known allegations of violations of "international air traffic regulations and the national airspace of the Republic of Cyprus", and to bring to your kind attention the following:

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile for as long as the Turkish Cypriot people refuse to give in to their demands. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating for itself rights and responsibilities it does not legally have, and to cease all hostilities towards the Turkish Cypriot people.

Lastly, the Greek Cypriot administration should be reminded, once again, that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey. I also deem it imperative to point out that Turkey, as a non-permanent member of the Security Council, does not need the advice of the Greek Cypriot administration on how the issues should be dealt with within the context of international law and the Security Council. Furthermore, throughout the negotiations, Turkey has been encouraging the Turkish Cypriot side for the achievement of a just and political settlement on the island. I would like to put on record once again that the Turkish Cypriot side is committed to finding a settlement in the form of a new partnership that will be in line with the established United Nations parameters and body of work. Bizonality, political equality of the two peoples, the equal status of the two constituent States and the continuation of Turkey's effective guarantee will constitute the parameters for a solution to the Cyprus problem. Removal of the existing isolations on Turkish Cypriots and equal treatment of the two sides by the international community will surely contribute positively to the efforts towards reaching a comprehensive settlement in Cyprus. A similar commitment from the

Greek Cypriot side will pave the way for an early, mutually acceptable and fair settlement in Cyprus.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus

United Nations A/64/771–S/2010/228

General Assembly
Security Council

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**General Assembly**
**Sixty-fourth session**
Agenda items 14 and 18

**Protracted conflicts in the GUAM area and their implications for international peace, security and development**

**The situation in the occupied territories of Azerbaijan**

**Security Council**
**Sixty-fifth year**

## Letter dated 30 April 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to ongoing violations of the ceasefire by the military forces of the Republic of Armenia, recorded for the month of April 2010 (see annex).

I should be grateful if you would have the present letter and the aforementioned information circulated as a document of the General Assembly, under agenda items 14 and 18, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador Extraordinary of Plenipotentiary
Permanent Representative

10-35136 (E) 110510

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## Annex to the letter dated 30 April 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Violations of the ceasefire by the military forces of the Republic of Armenia[a] for the month of April 2010

| Date | Time | Direction | Fire point area | Used Weapons | Casualties & Damages |
|---|---|---|---|---|---|
| 1 April | 23.30-00.20 | One | Aygezor village, Berd region, Armenia | Firearm and machine gun | - |
| 2 April | 00.10-00.15 | Five | Mehdili village, Jabrayil region, Azerbaijan | Firearm and machine gun | - |
| | 14.30-15.00 | | Kokhanabi and Agbulag villages, Tovuz region, Azerbaijan | Firearm and machine gun | - |
| | 10.00-10.15 | | Chinarli village, Berd region, Armenia | Firearm and machine gun | - |
| | 11.50-12.00 | | Mehdili village, Jabrayil region, Azerbaijan | Firearm and machine gun | - |
| 3 April | 19.35-19.45 | Three | Kurapatkino village, Khojavand region, Azerbaijan | Firearm and machine gun | - |
| | 00.20-00.45 | | Goyarkh village, Terter region, Azerbaijan | Firearm and machine gun | - |
| | 00.30-00.40 | | Javahirli village, Agdam region, Azerbaijan | Firearm and machine gun | - |
| 4 April | 12.25-12.40 | One | Tapgaragoyunlu village, Goranboy region, Azerbaijan | Firearm and machine gun | - |

[a] Settlements of the Republic of Azerbaijan included in this information are under the occupation by the Republic of Armenia or close to fire point areas.

| | | | | | |
|---|---|---|---|---|---|
| 5 April | 11.00-11.25 | Four | Mehdli village, Jabrayil region, Azerbaijan | Firearm and machine gun | - |
| | 16.40-16.56 | | Marzili and Yusifjanli villages, Agdam region, Azerbaijan | Fire and machine gun | - |
| | 20.00-20.26 | | Kurapatkino village, Khojavand region, Azerbaijan | Firearm and machine gun | - |
| 6 April | 16.50-17.15<br>18.00-18.25 | Four | Tapgaragoyunlu and Gulustan villages, Goranboy region, Azerbaijan | Firearm and machine gun | - |
| | 22.45-22.55 | | Gizil Oba village, Tartar region, Azerbaijan | Firearm and machine gun | - |
| | 23.10-23.25 | | Sarijali village, Agdam region, Azerbaijan | Firearm and machine gun | - |
| 7 April | 04.10-04.25 | Four | Unknown heights, Berd region, Armenia | Firearm and machine gun | - |
| | 10.30-11.00 | | Unknown heights, Krasnaselsk region, Armenia | Firearm and machine gun | - |
| | 11.50-12.00 | | Yusifjanli village, Agdam region, Azerbaijan | Firearm and machine gun | - |
| | 21.40-21.55 | | Gizil Oba village, Tartar region, Azerbaijan | Firearm and machine gun | - |
| 9 April | 16.15-16.30 | One | Mosesgerkh and Aygepar villages, Berd region, Armenia | Firearm and machine gun | - |
| 11 April | 16.30-16.35 | Four | Mosesgerkh village, Berd region, Armenia | Firearm and machine gun | - |
| | 20.20-20.25 | | Berkaber village, Ijevan region, Armenia | Fire and machine gun | - |
| | 12.30-12.40 | | Yusifjanli village, Agdam region, Azerbaijan | Firearm and machine gun | - |
| | 16.50-17.15 | | Tapgaragoyunlu village, Goranboy region, Azerbaijan | Firearm and machine gun | - |

| | | | | | |
|---|---|---|---|---|---|
| 12 April | 16.00-16.05 | Three | Berkaber village, Ijevan region, Armenia | Firearm and machine gun | - |
| | 15.45-16.05<br>16.25-16.35 | | Gulustan village, Goranboy region, Azerbaijan | Firearm and machine gun | - |
| | 22.15-22.40 | | Gorgan village, Fizuli region, Azerbaijan | Firearm and machine gun | - |
| 13 April | 00.05-00.15 | Five | Javahirli village, Agdam region, Azerbaijan | Firearm and machine gun | - |
| | 11.25-11.40 | | Berkaber village, Ijevan region, Armenian | Firearm and machine gun | - |
| | 15.30-15.40 | | Chinarli village, Berd region, Armenia | Firearm and machine gun | - |
| | 14.10-14.25 | | Gulustan village, Goranboy region, Azerbaijan | Firearm and machine gun | - |
| | 22.35-22.50 | | Unknown heights, Fizuli region, Azerbaijan | Firearm and machine gun | - |
| 14 April | 08.10-08.20<br>15.00-15.05 | Two | Berkaber village, Ijevan region, Armenian | Firearm and machine gun | - |
| | 09.25-09.42<br>13.20-13.40 | | Gulustan village, Goranboy region, Azerbaijan | Firearm and machine gun | - |
| 15 April | 01.20-01.40 | Four | Gizil Oba village, Terter region, Azerbaijan | Firearm and machine gun | - |
| | 19.10-19.25 | | Tapgaragoyunlu village, Goranboy region, Azerbaijan | Firearm and machine gun | - |
| 16 April | 12.15-12.25 | | Ashagi Abdulrahmanli village, Fizuli region, Azerbaijan | Firearm and machine gun | - |
| | 16.10-16.35 | | Gulustan village, Goranboy region, Azerbaijan | Firearm and machine gun | - |

| | | | | | |
|---|---|---|---|---|---|
| 17 April | 01.05-01.15 | Two | Javahirli village, Agdam region, Azerbaijan | Firearm and machine gun | - |
| | 03.45-04.00 | | Chayli village, Tartar region, Azerbaijan | Firearm and machine gun | - |
| 18 April | 23.20-23.40 | Two | Gizil Oba and Chayli villages, Tartar region, Azerbaijan | Firearm and machine gun | - |
| 19 April | 01.15-01.30 | Two | Gizil Oba and Chayli villages, Tartar region, Azerbaijan | Firearm and machine gun | - |
| 20 April | 15.10-15.30 | One | Gulustan village, Geranboy region, Azerbaijan | Firearm and machine gun | - |
| 21 April | 02.00-02.15 | Two | Javahirli village, Agdam region, Azerbaijan | Firearm and machine gun | - |
| | 12.50-13.00 | | Tapgaragoyunlu village, Goranboy region, Azerbaijan | Firearm and machine gun | - |
| 22 April | 10.45-10.55 | Two | Yusifjanli village, Agdam region, Azerbaijan | Firearm and machine gun | - |
| | 21.30-21.50 | | Gizil Oba village, Tartar region, Azerbaijan | Firearm and machine gun | - |
| 23 April | 12.15-12.25 | Two | Unknown heights, Goranboy region, Azerbaijan | Firearm and machine gun | - |
| | 16.00-16.15 | | Mehdili village, Jabrayil region, Azerbaijan | Firearm and machine gun | - |
| 25 April | 22.00-22.35 | Two | Ashagi Seyidahmadli and Ashagi Abdulrahmanli villages, Fizuli region, Azerbaijan | Firearm and machine gun | - |
| | 22.35-22.45 | | Unknown heights, Jabrayil region, Azerbaijan | Fire and machine gun | - |

| | | | | | |
|---|---|---|---|---|---|
| 26 April | 20.10-20.30 | Two | Shavarshar village, Noyanberyan region, Armenia | Firearm and machine gun | - |
| | 20.20-20.40 | | Berkaber village, ijevan region, Armenia | Firearm and machine gun | - |
| 28 April | 18.15-18.20 | Three | Unknown heights, Fizuli region, Azerbaijan | Firearm and machine gun | - |
| | 08.30-08.45<br>19.10-19.35 | | Mehdili village, Jabrayil region, Azerbaijan | Firearm and machine gun | - |
| | 20.20-20.40 | | Berkaber village, Ijevan region, Armenia | Firearm and machine gun | - |
| 29 April | 13.40-13.55 | Two | Tapgaragoyunlu village, Goranboy region, Azerbaijan | Firearm and machine gun | - |
| | 21.20-21.24 | | Ashagi Seyidahmadli village, Fizuli region, Azerbaijan | Firearm and machine gun | - |

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# Security Council

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5 May 2010

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## Letter dated 5 May 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the letter dated 5 May 2010 from Gyan Chandra Acharya, Permanent Representative of Nepal to the United Nations, in which he requested, on behalf of his Government, the extension of the current mandate of the United Nations Mission in Nepal from 15 May until 15 September 2010 (see annex).

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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## Annex

### Letter dated 5 May 2010 from the Permanent Representative of Nepal to the United Nations addressed to the Secretary-General

The Government of Nepal sincerely appreciates the valuable support and facilitation of the United Nations for Nepal's peace process, and the personal leadership of the Secretary-General in this context.

Upon instruction from my Government, I have the honour to update you on the ongoing peace process in Nepal and to seek continuing support of the United Nations in the nationally driven peace process of Nepal.

As you are aware, the original basis for United Nations support for Nepal's current peace process was an official letter from the then Prime Minister G. P. Koirala to the Secretary-General dated 9 August 2006 and an identical letter from Chairman Prachanda of the then Communist Party of Nepal or CPN (Maoist).

United Nations Security Council resolution 1740 (2007), which first established the United Nations Mission in Nepal (UNMIN), was based on this official request as well as the subsequent Comprehensive Peace Accord of 21 November 2006. Subsequently, other Security Council resolutions extended the duration of UNMIN. We have come a long way from the Comprehensive Peace Accord in terms of moving forward the peace process through the establishment of an interim government, promulgation of the interim constitution, the elections to the Constituent Assembly and the declaration of a federal democratic republic by the Constituent Assembly.

We appreciate UNMIN's assistance to the Government of Nepal in various areas, as well as during the elections to the Constituent Assembly. Similarly, we also express our appreciation for the assistance and support provided by the United Nations to facilitate the discharge of all disqualified Maoist combatants.

The current mandate of UNMIN expires on 15 May 2010. This was supposed to be the last extension of UNMIN's term. Its timing, two weeks before the deadline for promulgating Nepal's new Constitution, was fixed with an expectation that the peace process would be completed prior to the promulgation of the Constitution by 28 May 2010. The Government of Nepal is committed to taking this peace process forward in a spirit of sincerity and conviction to its logical conclusion with the support and cooperation of all its stakeholders.

In light of the unexpected delay in the completion of the peace process at the moment, but convinced that there is a need to pursue this process with equal vigour and agility, the Government of Nepal now requests a further extension of UNMIN's mandate for a duration up to 15 September 2010. The Government is committed to pursuing the peace process with a holistic approach so that the peace process can be accelerated with greater focus and completed in a timely manner.

I would be grateful if you could place this request before the Security Council for its positive consideration. We also count on your continuing support to facilitate the peace process in Nepal.

(*Signed*) Gyan Chandra **Acharya**
Ambassador
Permanent Representative

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General Assembly
Security Council

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6 May 2010

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**General Assembly**
**Tenth emergency special session**
Agenda item 5
**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

**Security Council**
**Sixty-fifth year**

## Identical letters dated 5 May 2010 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

On the eve of the beginning of long-awaited and fragile proximity talks between the Israeli and Palestinian sides, we regret to inform you that the situation in the Occupied Palestinian Territory, including East Jerusalem, remains extremely precarious due to the illegal, violent and provocative policies and practices of Israel, the occupying Power, including acts of violence and terror by illegal Israeli settlers against the Palestinian civilian population. Israeli settlers, who are provided cover and allowed to run rampant in Palestinian towns and villages by the Israeli occupying forces, continue to perpetrate crimes against the Palestinian people and their land and properties. Indeed, the ongoing settler attacks against Palestinians can be attributed to a culture of violence and extremism that the Israeli Government has permitted with its continuation of its illegal settlement campaign throughout the Occupied Palestinian Territory, including East Jerusalem.

The most recent incident involves a vicious attack that took place yesterday, Tuesday, 4 May 2010, by armed Israeli settlers who entered a Palestinian village, Al-Lubban Al-Sharqiyya in the Occupied West Bank, which is surrounded by three illegal settlements: "Eli", "Shilo" and "Ma'ale Levona". After entering the village, Israeli settlers broke into the only mosque in the village, setting it ablaze, destroying the building along with prayer rugs and a collection of Holy Korans that had been deliberately arranged in two piles before being burned in the fire. As stated by President Mahmoud Abbas, this criminal act of setting a holy mosque ablaze "represents a threat to the efforts to revive the peace process".

This latest attack is only one of many criminal acts committed in recent months by illegal Israeli settlers, who have targeted other mosques in the surrounding villages of Yasouf, Awartah and Hawwara. In addition, settlers have been involved in other violent and destructive acts against the Palestinian people and their property. Just a couple of days ago, on 3 May 2010, in the village of Hawwara, Israeli settlers set fire to an olive grove, destroying some 50 trees, which

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had been providing Palestinian farmers and their families with their livelihood and sustenance. Moreover, last week, a flood of raw sewage from the adjacent illegal Israeli settlement of "Kfar Etzion" destroyed vineyards and contaminated the drinking water of the civilian population in the village of Beit Ummar. The pipe was deliberately unscrewed by hand, destroying 70,000 square metres of a vineyard belonging to a Palestinian family. The same criminal act occurred in the Palestinian village of Bruqin, in the northern West Bank, which was also flooded by sewage from the nearby illegal Israeli settlement of "Ariel", resulting in contamination of underground water and springs and destroying Palestinian crops. Moreover, to add to the list of settler crimes, on 28 April 2010, two Palestinian boys, 11-year-old Muhammed Al-Ruwaeidi and 12-year-old Mustafa Al-Julani, were brutally beaten by settlers. They were admitted to the hospital with injuries.

The escalation of settler violence and terror over the years, and in particular over the last six months, can indisputably be attributed to illegal Israeli decisions and measures regarding continued illegal settlement construction and expansion as well as the intensification of all other illegal colonization measures, including the continued construction of the Wall, in the Occupied Palestinian Territory, including East Jerusalem. Israel's illegal settlement colonization campaign and the settlers residing within the settlements are funded, protected, and armed by the Israeli Government, which has transferred them and enabled them to live in these illegal settlements in grave breach of international law, in particular the Fourth Geneva Convention, and which allows them to commit such crimes against defenceless Palestinians throughout the Occupied Palestinian Territory with absolute impunity. Israel, the occupying Power, bears full responsibility for the illegal presence and all the illegal actions of the settlers, including deadly violence, terror, harassment and intimidation against Palestinian civilians and their properties. In this regard, we call on the international community to apply the necessary pressure on the Israeli Government to immediately bring an end to the terror campaign being perpetuated by illegal settlers against the Palestinian civilian population and their properties under occupation.

Moreover, turning to other illegal, condemnable Israeli actions throughout the Occupied Palestinian Territory, including East Jerusalem, the situation in the besieged Gaza Strip remains critical as a result of the continuing inhumane, illegal Israeli blockade, which has had an adverse impact on the viability of all aspects of Palestinian life. Besides the deplorable humanitarian situation that continues to prevail in Gaza as a result of that blockade, the occupying Power also continues to commit other violations, such as the demolition of the Al-Dahniya Mosque in Rafah yesterday, 4 May 2010. Also on 28 April 2010, occupying forces shot and killed Ahmed Suleiman Salem Deeb, 20 years old, during a peaceful civilian march in the city of Khan Yunis, which was organized by the popular campaign against the Israeli buffer zone.

We also regret to bring to your attention the death of Raed Abu Hammad, who died on 16 April 2010 in an Israeli prison as hundreds of Palestinians took to the streets of villages and towns across the West Bank and Gaza to commemorate Palestinian Prisoners' Day. Mr. Hammad was beaten by Israeli prison guards and was found dead in his solitary confinement cell. The reported cause of death was "a blow to the lower spinal cord with direct hit". According to reports, Mr. Hammad, one of the thousands of Palestinian prisoners in Israeli jails, is the 198th Palestinian prisoner to die in Israeli prisons since the onset of the Israeli occupation in 1967.

The above situation requires urgent attention by the international community to help to bring an end to both the illegal and provocative actions of Israel, the occupying Power, as well as those perpetrated by the illegal settlers it protects. This is necessary to prevent such extremist and radical settlers from inflaming the situation on the ground and thus undermining the slim opportunity before us to revive the peace process towards achievement of its stated goals. In this regard, the international community, including the Security Council, must exert timely efforts to uphold its responsibilities and legal obligations to protect and enforce international law and halt any Israeli action that further threatens the prospects for achieving the two-State solution for peace.

This letter is in follow-up to our previous 367 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 16 April 2010 (A/ES-10/488-S/2010/190), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2010/231

Security Council

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1 April 2010

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# Report of the Secretary-General concerning the credentials of the alternate representative of the United States of America on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 1 April 2010 from the United States Mission to the United Nations stating that Ms. Brooke D. Anderson has been appointed alternate representative of the United States of America on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

10-35875 (E) 120510

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**General Assembly**
**Sixty-fourth session**
Agenda item 15
**The situation in the Middle East**

**Security Council**
**Sixty-fifth year**

## Identical letters dated 6 May 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit herewith a complaint regarding a violation of Security Council resolution 1701 (2006) that was committed by Israeli enemy forces on Wednesday, 5 May 2010 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

10-35673 (E) 110510 110510

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## Annex to the identical letters dated 6 May 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On Wednesday, 5 May 2010, Israeli enemy soldiers stationed in the occupied Shab'a Farms, in flagrant violation of Lebanese sovereignty and territorial integrity, entered Lebanese territory and seized some 185 goats from the Shahl area in the environs of Shab'a village and drove them well inside occupied territory.

At 1015 hours on the same day, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa and flying north. They left at 1115 hours over Alma al-Sha'b.

Those two violations constitute a flagrant contravention of Security Council resolution 1701 (2006) and yet again affirm Israel's disdain for international resolutions and determination to pursue its aggressive and provocative policy, and the threat which it persistently poses to international peace and security.

United Nations A/64/780–S/2010/233

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Security Council

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**General Assembly**
**Sixty-fourth session**
Agenda item 15
**The situation in the Middle East**

**Security Council**
**Sixty-fifth year**

## Identical letters dated 3 May 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 1 to 7 April 2010 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

10-35679 (E) 110510 130510

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## Annex to the identical letters dated 3 May 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

### Air violations

On 1 April 2010:

- Between 1109 and 1200 hours, six Israeli enemy warplanes violated Lebanese airspace. They entered over Kafr Killa and circled over all regions of Lebanon before leaving over Aytarun.
- Between 1205 and 1305 hours, two Israeli enemy warplanes violated Lebanese airspace. They entered over Kafr Killa and circled between Shikka and the South before leaving over Rumaysh.
- Between 2115 and 2215 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and circled over the South before leaving over Rumaysh.

On 2 April 2010:

- Between 0020 and 1910 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and circled over the South before leaving over Rumaysh.

On 3 April 2010, between 0605 and 1825 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and circled over the Bekaa, the South and Beirut before leaving over Naqurah.

On 4 April 2010 two Israeli enemy reconnaissance aircraft violated Lebanese airspace as follows:

- At 1200 hours, one aircraft entered over Naqurah and circled over the South and Iqlim al-Kharrub before leaving over Naqurah at 1915 hours.
- At 1908 hours, one aircraft entered over the sea off Tyre and circled over the sea between Sidon and Naqurah before leaving at 2105 hours over the sea off Naqurah.

On 5 April 2010, between 0750 and 2022 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Alma al-Sha'b and circled over the South before leaving over Rumaysh.

On 6 April 2010:

- Between 0705 and 1600 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and circled over the South before leaving over Rumaysh.
- Between 1120 and 1235 hours, two Israeli enemy warplanes violated Lebanese airspace. They entered over Aytarun and circled over all regions of Lebanon before leaving over Alma al-Sha'b.

Also on 6 April 2010, a slow-moving hostile craft violated Lebanese airspace. It entered over Alma al-Sha'b, flying north. It circled over Beirut and the South before leaving over Rumaysh at 2330 hours.

On 7 April 2010:

- Between 0625 and 1330 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and flew north as far as Jazzin. It circled over the South before leaving over Naqurah.
- Between 0845 and 1500 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Alma al-Sha'b and proceeded as far as Beirut. It circled between Beirut and the South before leaving over Naqurah.

**Sea violations**

On 3 April 2010, at 2116 hours, the Israeli enemy directed a searchlight for four minutes towards a Lebanese fishing boat in Lebanese territorial waters, some 50 metres from the line of buoys.

**Acts of aggression in the field**

On 1 April 2010, at 0005 hours, the Israeli enemy, from its *ghayn*-8 position, directed a searchlight for one minute over the villages of Alma al-Sha'b and Naqurah.

On 3 April 2010, at 1800 hours, while American University of Beirut students were close to the barbed-wire fence in the village of Udaysah, performing *dabka* dance and listening to revolutionary songs and excerpts from the speeches of Sayyid Hassan Nasrallah, one member of an Israeli enemy patrol passing on the other side made throat-cutting gestures at them. The patrol left in the direction of Misgav Am.

**Israeli activities**

On 3 April 2010, at 1300 hours, the Israeli enemy positioned a surveillance camera on a pole near the Hassan Gate on the outskirts of the village of Kafr Shuba, some 20 metres from the technical fence.

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# Report of the Secretary-General on Somalia

## I. Introduction

1. The present report is submitted pursuant to the statement by the President of the Security Council on 31 October 2001 (S/PRST/2001/30), and, as specified in paragraph 20 of Security Council resolution 1910 (2010), in which the Council requested me to report on all aspects of the resolution every four months. This report provides an update on major developments in Somalia since my report of 8 January 2010 (S/2009/684) and assesses the political, security, human rights and humanitarian situation, as well as progress made in implementing the United Nations strategy for Somalia. The report also covers key developments in the counter-piracy activities of the United Nations and the international community.

## II. Main developments in Somalia

### A. Political developments

2. The Transitional Federal Government and the Transitional Federal Parliament continue to operate from Mogadishu. The Transitional Federal Government is attempting to rebuild and rehabilitate the institutions and infrastructure of Somalia and has pursued efforts to become more representative, credible, accountable and functional. These efforts include preparing and passing a budget for 2010; enhancing financial accountability by hiring the audit services of PricewaterhouseCoopers; collecting revenues from Mogadishu seaport and airport; and operating Radio Mogadishu, which broadcasts 18 hours a day to a wide audience, including members of the diaspora in the region, as well as in Europe and the United States on the Internet.

3. On 29 January 2010, the occasion of the first anniversary of his swearing-in, President Sheikh Sharif Sheikh Ahmed stated that the Government would focus on ensuring that the people have access to essential services, and on rehabilitating infrastructure. He appealed to the international community to focus efforts not only on political, security, and humanitarian assistance, but also on economic development, especially job creation and the promotion of trade and business. On 28 February, the first anniversary of the formation of the Cabinet, Prime Minister Omar Abdirashid Ali Sharmarke urged the international community to make Somalia a priority on the global political, economic, and security agenda in 2010.



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4. In line with its objective of forming an inclusive administration, the Transitional Federal Government continued to reach out to Somalis outside the peace process. The signing, on 15 March, at the headquarters of the African Union, of a cooperation agreement between the Transitional Federal Government and Ahlu Sunna Wal Jama'a (ASWJ) constituted a significant breakthrough. The accord, which followed an initial declaration signed on 21 June 2009 by the two parties under the auspices of the United Nations Political Office for Somalia (UNPOS), stipulates the following arrangements: (a) the merging of Transitional Federal Government and ASWJ forces, with the latter bringing its troops under the command and control of the Government; (b) the allocation to ASWJ of ministerial posts and senior positions in the civil and foreign services; (c) the integration of local administrations already established by the Government, wherever applicable; (d) the formation of an advisory council of religious leaders as a counterweight to Al-Shabaab's radical doctrine; and (e) the establishment of a body to monitor implementation of the agreement, comprising UNPOS, the African Union, and the Intergovernmental Authority on Development (IGAD).

5. In his continuing efforts to engage with regional organizations and the wider international community, President Sharif attended the fourteenth ordinary session of the Assembly of Heads of State and Government of the African Union, held from 1 to 2 February in Addis Ababa, during which the African Union appealed for more support to the Transitional Federal Government and the African Union Mission in Somalia (AMISOM). On 14 March, the President participated in a conference in the United Arab Emirates, attended by Muslim scholars from across the world. Participants expressed strong support for the Government and urged all Somalis to recognize and support the Government. They condemned all acts of terrorism in Somalia, declared violence incompatible with Islam, and urged peace and reconciliation.

6. The focus in "Somaliland" remains on the presidential elections, now to be held in June. Since its re-establishment in October 2009, the National Electoral Commission of "Somaliland" has been working on preparations, including the introduction of an amended electoral law; the revision and establishment of the voter list; the recruitment and training of electoral staff; voter education; logistical and security arrangements; and printing of election materials. On 14 April, the Commission announced that it would issue new voter registration cards by May to ensure free and fair elections.

7. On 23 February, "Puntland" President Farole decreed a new provisional constitution to transform the region's political system from clan to party-based by 2013. On 1 March, he reshuffled his Cabinet and replaced six ministers, two deputy ministers, his head of intelligence, and the Governor of the Bari region.

## B. Security situation

8. The overall security situation in Somalia remains highly volatile and unpredictable. Armed group elements continue to launch stand-off attacks against the Transitional Federal Government and AMISOM forces in Mogadishu, where armed clashes, roadside bombs, and individual killings perpetuate a particularly hostile environment. On 27 April, AMISOM troops foiled an attempted suicide attack on their base in Mogadishu.

9. Continued fighting between Al-Shabaab and Hizbul Islam in Lower Juba and Lower Shabelle, and between Al-Shabaab and ASWJ in the central region has not relented in the last few months. Direct threats to United Nations operations continue in most of southern and central Somalia, especially in Al-Shabaab-controlled areas, including threats of improvised explosive devices attacks, raids, ambushes, targeted assassinations, and abductions. National United Nations staff face direct threats from Armed Group Elements in southern and central Somalia, and the presence of international staff in these regions is now restricted. United Nations compounds in Wajid, Baidoa and Beletweyne were taken over or looted by Al-Shabaab, prompting the United Nations Mine Action Service (UNMAS) to suspend mine action operations in all Al-Shabaab-controlled areas, effective 17 December 2009. Insecurity still limits the ability of United Nations agencies, funds, and programmes to pursue humanitarian efforts in southern and central Somalia. On 28 February, Al-Shabaab called for the "termination of all WFP operations inside Somalia". On 1 March and 7 April, respectively, the World Food Programme (WFP) compounds in Buale and Wajid were occupied by Al-Shabaab. Since January, approximately 100 United Nations staff members have been relocated from duty stations in southern and central Somalia.

10. In "Puntland", the security situation remains unpredictable, with continuing violent incidents, including armed clashes and assassinations, and frequent improvised explosive devices incidents. Following several attacks since November 2009, in which members of Parliament, a chief justice, security personnel, and civilians were killed, the "Puntland" administration established a committee to assess security and coordinate responses. In "Somaliland" there were no significant security incidents during the reporting period.

11. A major challenge for the Transitional Federal Government has been how to deal with defectors from the extremist groups, as the needs of these individuals may not be addressed through ongoing planning for disarmament and demobilization activities. The Government has thus far set up an interim inter-ministerial committee to address the matter. However, international support to this initiative has been minimal; hence UNPOS is assisting the Government to approach donors and agencies for further support.

## C. Piracy

12. According to the International Maritime Bureau, the 217 pirate incidents in the Somali Basin and the Gulf of Aden represented over half of worldwide piracy-related incidents in 2009. During this period, 47 vessels were hijacked, with 837 crew members taken hostage. The Bureau recorded 17 incidents in the first three months of 2010, compared to 41 in the same period in 2009, and attributed the decline to the continued presence of navies in the Gulf of Aden and the adoption of robust anti-piracy measures by merchant vessels. Increasing attacks along the east coast of Somalia and in the Indian Ocean, sometimes covering distances of approximately 1,000 nautical miles from Mogadishu, were observed. In this regard, I welcome the extension of North Atlantic Treaty Organization (NATO) counter-piracy activities in this region until 2012, as well as the recent agreement by the European Union (EU) Defence Ministers to expand the objectives of Operation Atalanta, to include improved surveillance of Somali ports harbouring pirates and to "neutralize" mother ships.

13. The Contact Group on Piracy off the Coast of Somalia held its fifth plenary session on 28 January and reiterated its pledge to continue its counter-piracy activities. As at 23 April, the Board of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia had approved six projects amounting to $2,094,619.33. Prosecutorial and correctional challenges exist, particularly regarding the establishment and exercise of jurisdiction, the fulfilment of evidentiary requirements, and the attribution of law enforcement powers to military personnel. In this respect, as requested by the Security Council in its resolution 1918 (2010), on 27 April, I intend to present a report in three months on possible options for the prosecution and the incarceration of pirates. Effective coordination of international efforts at sea and on land remains critical. Land-based efforts should be prioritized to effectively address the root causes of piracy.

14. From 10 to 12 January, UNPOS convened a technical meeting in Kampala to discuss counter-piracy coordination mechanisms and strategies to address challenges off the coast of Somalia. During the meeting, delegates from the Transitional Federal Government, "Puntland" and "Somaliland" agreed to establish a technical counter-piracy coordination mechanism to serve as Somalia's focal point for the Djibouti Code of Conduct and to engage with the international community on information-sharing and cooperation. From 27 to 31 March, the United Nations Office on Drugs and Crime (UNODC) facilitated a meeting in Djibouti, at which the delegates of the Government, "Puntland" and "Somaliland" identified the need for a comprehensive redraft of Somalia's piracy laws. These meetings demonstrate increasing cooperation between the three entities and highlight their commitment to combat piracy.

## D. Humanitarian situation

15. According to the latest food security and nutrition assessment, conducted in December 2009 and January 2010 by the Food and Agriculture Organization of the United Nations, a widespread humanitarian crisis still exists in Somalia, despite good rains and an above-normal harvest in the southern agricultural areas. 3.2 million people, or 43 per cent of Somalis, need humanitarian assistance and livelihood support, including 1.4 million internally displaced persons (IDPs). Although the overall global acute malnutrition rates for Somalia have improved, the nutrition status in areas of concern in southern and central Somalia remains unchanged from six months ago, with one in five children still malnourished.

16. WFP temporarily suspended operations in southern Somalia in early January, owing to increased threats and unacceptable conditions set by armed group elements. However, some operations have continued in Mogadishu. There has been no food distribution to over 300,000 IDPs in the Afgooye corridor since November owing to inaccessibility. Another 1.1 million intended beneficiaries are not receiving food distributions throughout the south and central regions. The humanitarian community will monitor the medium and long-term effects of the suspension of WFP activities, especially on nutrition programmes, since the suspension will reduce nutrition coverage in some critical areas. Other agencies, including the United Nations Children's Fund (UNICEF), are attempting to cover some of the nutrition support shortfall for the time being.

17. Following an inter-agency risk assessment, the United Nations country team began to implement an enterprise risk management system. A risk management action plan has been agreed by the United Nations country team, which includes recommendations for the development of a database on all United Nations service providers and contractors; the establishment of a "due diligence" process for contracted activities; and the revision of internal controls over cash transfer systems within Somalia. The design phase of the database has been completed, and "due diligence" processes will be implemented as the database is being populated. The revision of internal controls over money vendor cash transactions has been completed. On 11 March, the sanctions Committee Monitoring Group on Somalia released a report (S/2010/91) pursuant to Security Council resolution 1853 (2008), which contained allegations of politicization, misuse, and misappropriation of humanitarian assistance in Somalia. These allegations have been taken seriously by the United Nations country team, which is fully engaged in a comprehensive response and review of the existing risk management strategy to ensure full effectiveness.

18. There is a general shortage of humanitarian funding, which leads organizations, particularly non-governmental organizations, to rely more on the Humanitarian Response Fund. The 2010 consolidated appeal process, which seeks $689 million, was funded at 15 per cent at the end of March, with its non-food portion funded at 8 per cent. Sector-balanced funding must be received early in the year to sustain humanitarian assistance. In addition, stabilization centres and the aircraft providing security and medical evacuation capacity for staff operating in Somalia, which were funded through the Central Emergency Response Fund in 2009, will soon run out of funds.

## E. Human rights and protection of civilians

19. The first three months of 2010 witnessed increased fighting in southern and central Somalia, with devastating consequences for civilians and over 110,000 people displaced during that period, which brought the total of displaced persons, as a consequence of conflict, to 1.4 million. In Mogadishu, civilians were increasingly caught in crossfire, mortar attacks and artillery shelling between insurgents and Government forces. In March, the Mayor of Mogadishu issued a statement urging civilians to flee the city as a precautionary measure. International humanitarian law requires all parties to take all necessary precautions to protect civilians; to target only clear military objects; and to use only proportional force. It is crucial to strengthen advocacy for all parties to respect the provisions of international and humanitarian law with regard to protecting the civilian population.

20. Civilians in southern and central Somalia continue to be threatened and abused by armed group elements, stoning, amputations, floggings and other corporal punishments. Such practices contravene international and humanitarian law. In January, a man accused of rape was reportedly stoned to death in Baraawe, Lower Shabelle. In February, Al-Shabaab reportedly sentenced 11 people to one year of imprisonment for robbery in Mogadishu, without due process. In March, several men accused of robbery suffered amputation in Jowhar, Middle Shabelle. Also, women continue to face arbitrary detention, restriction of movement, and other abuses.

21. The right to freedom of expression remains frequently curtailed. There were reports of journalists threatened, mostly in southern and central Somalia. In January, three journalists were injured when unidentified individuals threw hand grenades into the premises of three radio stations in Galkayo, "Puntland", while Al-Shabaab arbitrarily detained four journalists in February and March. In March, two armed groups "decreed" that journalists working in areas that they control must be registered. In April, Al-Shabaab took the BBC Radio off the air in southern and central Somalia.

22. Since November, "Puntland" police have arrested suspects in a spate of killings and attempted killings of prominent figures. Some suspects were tried in local courts and three were reportedly sentenced to death. "Puntland" authorities also forcibly evicted IDPs, reportedly based on concerns that the IDP camps had been infiltrated by radical elements. Among those evicted were 192 households from Tawakal IDP camp in Bossaso.

23. During the interactive dialogue on Somalia at the thirteenth session of the Human Rights Council in March 2010, the Independent Expert on the situation of human rights in Somalia described the situation in southern and central Somalia as extremely serious and issued a strong warning to the international community on the security, human rights and humanitarian situation in the country, including "Puntland" and "Somaliland". Member States, observers, and civil society organizations were particularly troubled by extensive reports of Al-Shabaab's summary executions and mutilations, indiscriminate shelling of civilian areas by all parties to the conflict, pervasive gender-based violence, the conscription of children into the armed conflict, and blocked humanitarian assistance that may amount to war crimes and crimes against humanity.

### F. Child protection

24. The recruitment and use of children by various parties has increased in the past year. Al-Shabaab reportedly recruits children in southern and central Somalia, "Puntland" and "Somaliland" and trains them in Bay, Bakool, Galgaduud, and Hiran regions, as well as in Mogadishu and Raskiambooni. The Transitional Federal Government is also reportedly recruiting children, although less systematically. While Al-Shabaab and various insurgent groups and militia are responsible for most killing and maiming of children in Somalia, the many child casualties caused by the shelling of civilian areas and indiscriminate return fire by Government and AMISOM troops are a cause for concern.

## III. Resource mobilization

25. My Special Representative continued to encourage partners to expedite their contributions to the $196.5 million pledged at the Brussels conference in April 2009 and confirmed subsequently. I am pleased to report that as at 30 April, the total of fulfilled pledges had increased from $77.7 million to $147.6 million, as a result of disbursements made by Belgium and the EU. So far, 75 per cent of confirmed pledges have been received. The EU is expected to release additional funds to the United Nations Development Programme (UNDP) and the African Union.

Furthermore, the United Nations is finalizing an agreement with the Saudi Fund for Development regarding a contribution of $6 million to the AMISOM Trust Fund.

26. In addition to the pledges made in Brussels, approximately $21.1 million was contributed by bilateral donors, of which $11.2 million went to the United Nations Trust Fund for Somali security institutions, $3.6 million to the AMISOM Trust Fund, $340,000 to the Transitional Federal Government, and $5.9 million to the African Union. Of the $11.2 million released to the Trust Fund for Somali security institutions, $10 million was received from Japan for police training and equipment, $1 million from Luxembourg, and $200,000 from Sweden for medical care following the 3 December 2009 attack. Germany has contributed $3.6 million to the AMISOM Trust Fund, for police and non-military purposes; and Italy has disbursed $5.9 million to the African Union bilaterally.

27. To date, the Trust Fund for Somali security institutions has received approximately $12 million in total, whereas the AMISOM Trust Fund has received $28.7 million. In addition, the African Union has received $91.6 million bilaterally.

28. My Special Representative continues to monitor progress in PricewaterhouseCoopers' delivery of fiduciary management services to the Transitional Federal Government. As a result of this facility, established at the request of Somalia's major development partners, China, the Libyan Arab Jamahiriya, Rwanda, Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States of America have commenced bilateral funding to the Government. To date, the Government has received about $3.3 million through this facility, in addition to $340,000 in direct assistance to the Government through the Central Bank of Somalia.

29. The Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, an initiative by the Contact Group on Piracy off the Coast of Somalia, was formally established on 28 January 2010, with initial donations totalling over $2 million. The Fund Board comprises 10 Member States, chaired by the Department of Political Affairs, and administered by UNODC. The recently established International Maritime Organization (IMO) Djibouti Code Trust Fund has received $13.6 million from Japan and contributions from France, the Netherlands, Norway and The Republic of Korea.

# IV. Activities of the United Nations and the international community

## A. International support

30. The 17th meeting of the International Contact Group on Somalia took place on 21 and 22 April in Cairo, and focused on the Transitional Federal Government priorities for the remainder of the transition. Participants welcomed the forthcoming Istanbul Conference on Somalia, to be hosted by Turkey in May 2010, pursuant to article 11 of the Djibouti Agreement. The Istanbul Conference will discuss the situation in Somalia, focusing on political and security challenges, including piracy, and on progress made in the reconciliation process and the implementation of transitional tasks. Socio-economic activities proposed by the Government and efforts to strengthen AMISOM will also be examined. An offer by Spain to host the

18th meeting of the International Contact Group in September 2010 was favourably received.

31. On 25 February, the African Union Peace and Security Council appealed for greater support to the Transitional Federal Government, particularly to enable it to deliver basic services to the people. The Council further urged all Member States that have pledged troops to AMISOM to honour these pledges. It expressed appreciation to all donors supporting AMISOM, while noting that this support remains insufficient. The Council attributed the continuing deterioration of the situation in Somalia to increasing internationalization of the conflict. It therefore reiterated its call to the United Nations to impose a no-fly zone on Somalia, to blockade its seaports, and to deploy United Nations operations to help stabilize the country and support its reconstruction.

## B. Institution-building

32. The constitution-making process for Somalia has gathered pace. UNPOS and its partners intensified efforts to build the capacity of the institutions tasked with preparing the draft constitution. An induction seminar for members of the Parliamentary Constitution Committee of the Transitional Federal Parliament was held in Djibouti from 21 to 25 January 2010. The seminar was followed by a symposium on the topic "Sharia Law in Constitutions of Muslim Countries, Challenges for the Somali Constitution-Building Process", also held in Djibouti from 6 to 10 February. The symposium included members of the Somali Ulema, a group that had hitherto not participated in the peace process, as well as representatives of the Government and the Transitional Federal Parliament.

33. The swearing-in of new members of the Independent Federal Constitutional Commission, on 2 March, was followed by an induction workshop for the new Commissioners, from 4 to 23 March in Djibouti. The Commission and the Somali Ministry of Constitution and Federal Affairs will require logistical support from the international community for the operations of their offices. In the margins of the induction workshop, the Association of European Parliamentarians for Africa, a partner in the constitution-making process, organized a training workshop for parliamentary staff from 6 to 9 March. The workshop was followed by a seminar for the Parliamentary Constitution Committee members, held in Djibouti from 13 to 16 March, on the topic "Sharing of Experiences on the Political Process related to Constitution-making".

34. The broadcasting, in Somalia and Kenya, of discussions in Somali on the constitution-making process is an important development. These discussions pave the way for a civic education programme on the constitution. A draft constitution is expected to be ready in the next few months.

# V. Implementation of the three-phased incremental approach

## A. Update on implementation of the incremental approach

35. The United Nations pursues its mandated activities through the three-phased approach endorsed by the Security Council in its resolutions 1863 (2009), 1872

(2009) and 1910 (2010). With regard to establishing a "light footprint" in Mogadishu, the second phase in the incremental approach, the first accommodation facilities in a Bancroft compound were completed and approved for use by international staff by the Department of Safety and Security in March. The United Nations has also established space in the UNMAS compound in Mogadishu, which will provide room for 20 visiting United Nations staff and international contractors. Twenty-six missions into Mogadishu were undertaken by WFP, UNPOS, UNMAS, the United Nations Support Office for AMISOM (UNSOA), the Department of Safety and Security (DSS), the Office of the United Nations High Commissioner for Refugees (UNHCR), and UNICEF, in close coordination with the African Union Mission in Somalia (AMISOM). The recruitment process for the United Nations regional offices in Somalia is also under way.

36. While the AMISOM force headquarters is in Mogadishu, AMISOM headquarters has been operating from Nairobi for three years. It is planned that 13 staff, including the Special Representative of the African Union Commission Chairperson and other senior personnel, will relocate from Nairobi to Mogadishu as soon as conditions permit.

37. The agreement between the Government of Kenya and the United Nations concerning the status, privileges, immunities and activities of the United Nations Support Office for AMISOM (UNSOA), its personnel, property, funds and other assets, as well as its contractors in Kenya, was concluded on 2 March. In this regard, I extend my appreciation to the Government of Kenya for its continuous support and cooperation with UNSOA and other United Nations offices working on Somalia. In addition, UNPOS and UNSOA merged their administrative support structures, effective 1 January, to achieve greater efficiency and to maximize the use of resources.

## B. Strengthening the political process

38. My Special Representative and UNPOS senior management visited Mogadishu and collaborated closely with the Transitional Federal Government to advance the peace process. They also visited "Puntland" and "Somaliland" to engage with the authorities. In this regard, the "Somaliland" authorities have set up a ministerial task force to collaborate with UNPOS on security, human rights, piracy and civil affairs. Following the inaugural meeting of the task force, the "Somaliland" authorities submitted a concept note for a study to identify the factors leading Somali youth to engage in criminal and insurgent activities, piracy and other anti-social behaviour, with the objective of developing a youth policy.

39. On 30 January, my Special Representative attended the thirty-fourth extraordinary session of the IGAD Council of Ministers in Addis Ababa. The Ministers affirmed IGAD's commitment to work closely with the United Nations Security Council and its sanctions Committee to ensure full implementation of resolution 1907 (2009).

40. On 16 March, in Brussels, my Special Representative briefed representatives of EU member States and institutions on the challenges and the achievements of the Transitional Federal Government. He expressed gratitude for the EU training mission to train Somali security forces in Uganda, and for EU efforts to address piracy off the coast of Somalia. My Special Representative further urged the EU to

be flexible in assisting with the payment of stipends to Somali security forces and parliamentarians, and to extend additional support to the Government.

## C. Progress towards full deployment and strengthening of AMISOM

41. On 28 January, the Security Council adopted resolution 1910 (2010) requesting me to continue providing a logistical support package for AMISOM until 31 January 2011. The resolution also highlights the need for donors to work closely with the United Nations and AU to ensure adequate funding, particularly to pay salaries to AMISOM troops and to reimburse contingent-owned equipment. While donor funding has been made available for the reimbursement of all categories of contingent-owned equipment for the period ending 23 March, those funds have been exhausted. It is unclear how the next contingent-owned equipment reimbursements, due in June, will be financed. The lack of sustainable funding for future requirements is a major concern, as it could adversely affect the operational capability of AMISOM. I intend to consult with AU and major donors in the coming weeks and to subsequently present proposals in my next report to the Council on how best to address the lack of sustainable funds for contingent-owned equipment reimbursements to AMISOM troop contributors.

42. A significant development was Uganda's deployment of a fourth battalion with NATO airlift in mid-March, bringing AMISOM strength to 6,120 troops. A 40-strong Burundian support team also deployed to AMISOM. In addition, four military staff officers from Ghana, Cameroon, Senegal and Zambia were deployed to AMISOM headquarters in Mogadishu. Furthermore, UNSOA provided airlift for the rotation of a Burundian battalion in mid-April.

43. Of the authorized 270 AMISOM civilian police officers, 40 police officers were deployed, comprising officers from Burundi, Ghana, Nigeria, Sierra Leone, Uganda and Zambia. Seven police officers arrived in Mogadishu on 28 March, where they began training programmes for the Somali police.

44. The United Nations planning team in Addis Ababa continued to advise and support AU with planning and deployment of AMISOM. It participated in eight predeployment visits to current and potential AMISOM troop- and police-contributing countries and assisted with the deployment of the advance party of AMISOM police to Mogadishu. The team is further assisting AU to manage the roster of 650 AMISOM police officers who have been initially screened for deployment. In addition, the team helped arrange the installation of secure communications in Addis Ababa, Mogadishu and Nairobi to connect the AU headquarters and the field offices through the United Nations global communications network. It also continued to assist and advise the African Union leadership on media relations support for AMISOM. The team is currently assisting the African Union in developing AMISOM mission implementation plans, which are critical for the effective fulfilment of the mandate of AMISOM.

45. UNSOA continues to enhance its logistical support to AMISOM. Significant progress was made in implementing public information activities on the ground, despite growing intimidation from armed group elements. Public information support to AMISOM has commenced across four functional areas: research; press media and outreach; multimedia production; and radio broadcast. A forward team of UNSOA-contracted information support personnel has deployed to Mogadishu to

coordinate and ensure consistency of communication between AMISOM headquarters in Nairobi and Mogadishu.

46. African Union/United Nations-supported Radio Bar-Kulan, configured as an independent radio station on the basis of a public service broadcasting model, commenced broadcasting across Somalia in March. Materials dealing with peace and reconciliation have been developed, including specific programmes for broadcast on the Government-run Radio Mogadishu. Furthermore, existing AMISOM public information outputs are being enhanced and expanded through the redesigning and re-launch of the AMISOM website and print products.

47. UNSOA is gradually upgrading the living conditions of AMISOM troops in Mogadishu through the provision of replacement tents and accommodation stores, as well as steps to enhance kitchen facilities and to improve menu planning and food preparation standards. Replacement tents for five battalions are expected by May. This work is being augmented with the provision of building materials and engineering equipment to help AMISOM contingents improve their facilities. UNSOA has delivered more than 50 kilometres of security barriers to Mogadishu, together with a significant supply of defence stores such as sandbags and razor wire, to help AMISOM improve its protection measures. In mid-March, following deployment of the fourth Ugandan battalion, UNSOA mobilized additional critical life support requirements.

48. The construction of AMISOM headquarters and a level-II hospital in Mogadishu has not progressed as rapidly as anticipated, owing to ongoing procurement delays. Meanwhile, contractors have commenced projects worth $4.5 million for the construction of approximately 7,800 square meters of prefabricated offices and living accommodation, together with associated sanitation, kitchen and dining facilities. The completion of these projects is largely dependent on security in Mogadishu.

49. To ensure appropriate oversight of contractors involved in projects in Mogadishu, UNSOA has established a vendor review committee. In this regard, UNSOA consults the sanctions Committee Monitoring Group prior to awarding contracts to Somalia-based vendors and participates in the risk management system established by the United Nations country team. In addition, UNSOA is establishing a team of contracted personnel to account for United Nations-owned equipment worth $11.2 million, deployed in Mogadishu, and to monitor the delivery of goods and services by contractors.

50. Regular sea shipments from Mombasa, Kenya, to Mogadishu are proceeding smoothly, thanks to escorts provided by the EU Naval Force (NAVFOR). Responding to security concerns raised by AMISOM regarding the approach of UNSOA-contracted ships to the Mogadishu harbour, UNSOA has acquired two hard-hulled patrol boats to enable AMISOM to undertake surveillance and protective operations in the immediate vicinity of the seaport. In the longer term, UNSOA plans to acquire more boats that are better suited for increased patrols in the rough sea conditions off Mogadishu.

51. UNMAS continued to provide training, facilities, equipment and coordination support to develop the AMISOM explosive ordnance disposal capacity. A second six-week explosive ordnance disposal training course was completed in Mogadishu in February. By the end of April, 90 per cent of the training activities for Burundian

and Ugandan contingents planned up to 30 June were completed, including training on the use of mine-protected vehicles. The working group on explosive management policy, established in October 2009, met on 2 February in Nairobi. The construction of the explosive ordnance disposal command and training facility has proceeded on schedule, with completion expected by end of June.

## D. Strengthening of the Somali security institutions and development of a national security strategy

### Policy and coordination

52. The report on the security sector assessment, led jointly by UNPOS and the United States, with the participation of the Transitional Federal Government, the African Union and EU, was completed in January. This assessment forms part of international efforts to help the Somali authorities prepare a coherent and nationally owned strategy for developing their justice and security sectors. A key conclusion of the assessment is that security sector reform may not be sustainable if a broader political foundation is not firmly established within the time frame of the transition to promote good governance, transparency and accountability.

53. The Transitional Federal Government has shared with UNPOS a draft of its own security sector assessment report, which echoes most of the recommendations of the UNPOS/United States-led assessment. The Government has also shared with UNPOS a draft of its national security and stabilization plan, which is intended to ensure coherence in developing the security and justice sectors. The plan was discussed at the International Contact Group meeting on 21 and 22 April in Cairo.

54. Until the national security and stabilization plan is formally adopted, priorities for 2010 will continue to be based on the findings and recommendations of the joint security sector assessment. The main proposals regarding the police, military and intelligence components are being implemented with funding from the Trust Fund for Somali security institutions. In the short term, the key activities are building the Somali National Security Forces, using a harmonized six-month training curriculum; assisting AMISOM to deliver a predeployment course to new recruits prior to their incorporation into the National Security Forces; continuing police training on the basis of the agreed curriculum, to reach the training target of 10,000 police; and building the capacity of the Ministry of Intelligence.

55. UNPOS assisted the Transitional Federal Government to draft a policy to guide international partners on training issues, including requirements for payment of stipends for at least one year. The policy highlights that the preferred training location is Somalia, notwithstanding the prevailing security environment.

56. The Joint Security Committee remains the principal mechanism for the Transitional Federal Government and the international community to harmonize strategic and technical support on security sector development. Since my last report, the Committee has met several times and is supported, inter alia, by its military and police sub-working groups. UNPOS is assisting Somali efforts to establish a functional Joint Security Committee secretariat in Mogadishu, to enhance coordination between the Government and international partners, and to build confidence with international partners.

**Military**

57. The provision of predeployment training to Somali forces returning from Djibouti and Uganda, as well as elements of the former "Grey Army" under the Siad Barre regime, has been effectively established. To date, some 2,800 troops have been formed into seven mixed clan battalions of approximately 450 each, under the command of the newly appointed Army Chief of Staff, General Gelle. The formation of mixed clan battalions is an important step in the delivery of a clearly delineated National Security Forces structure under a well-defined chain of command.

58. The Transitional Federal Government, AMISOM and the United Nations agreed to utilize the following curriculums for military training of the National Security Forces: (a) a two-week induction course run by AMISOM at Jazeera camp, near Mogadishu International Airport; (b) a six-month basic recruit course to be undertaken, for the time being, outside Somalia, currently in Uganda; and (c) a four-week reintegration and predeployment course also at Jazeera camp. 720 recruits and 30 officers have now completed the basic course in Uganda and will start the reintegration and predeployment course in Mogadishu in the first week of May.

59. On 7 April, the EU launched a training mission to contribute to the training of the National Security Forces. The training will begin in Uganda on 1 May, in coordination with AMISOM and the Transitional Federal Government. The mission will train a total of 2,000 recruits in 12 months, using the expertise of 140 military trainers from Spain, France, Germany, Portugal and Italy. In this regard, UNPOS is providing technical advice to the EU on military training matters. Those to be trained by the EU will receive six months' worth of stipends from the United States. Additional funds will be required to provide the remaining six months of stipends to those trainees, as per established practice.

**Police**

60. UNPOS and UNDP, along with AMISOM police, continue to assist the Somali Police Force with training, technical assistance, stipends, non-lethal equipment, and rehabilitation of basic infrastructure. UNDP and UNPOS continue to review options for paying Somali Police Force stipends in a more cost-effective and efficient manner. By the end of March, 2,950 police were registered with the Somali Police Force and entitled to stipend support. In March, a new intake of 500 recruits started the three-month basic police course at the Armo Police Academy supported by UNDP. With UNPOS support, another 500 recruits will begin the basic police course in Djibouti in early May. Within the next three months, 925 Somali Police Force personnel who graduated at the end of March from basic police training in Ethiopia; 860 Somali Police Force personnel previously trained in Ethiopia; and 1,100 Somali Police Force personnel trained in Somalia in 2006 will take a three-week refresher course under AMISOM and UNDP tutelage, which will enable them to become registered and entitled to stipends. The 860 Somali Police Force personnel trained in Ethiopia commenced the three-week refresher course on 7 April in Mogadishu. The training is delivered by 20 Somali Police Force trainers, and is monitored and mentored by AMISOM trainers.

61. It is anticipated that Somali Police Force numbers will reach 8,000 by year end, within an established command and control structure. However, Somali Police Force equipment and infrastructure are still limited, and it remains important to ensure that successful completion of training is followed by stipends support.

Japan's contribution of $10 million to the Trust Fund for Somali security institutions for police training and equipment will help address these key gaps. With these funds, UNPOS is elaborating projects to assist the Somali Police Force with training (three-month basic police training in Djibouti), stipends payment for all Somali Police Force-registered officers (covering the period from January to May 2010), the rehabilitation of 10 police stations in Mogadishu, operational costs, and the provision of police vehicles and police non-lethal equipment. In this regard, 10,000 police uniforms procured by UNDP are available for distribution to Somali Police Force officers who trained under the United Nations umbrella or completed the refresher course and properly registered with the Somali Police Force.

62. In February, the Transitional Federal Government urgently requested Somali Police Force explosive ordnance disposal capacity training, which resulted in the development by UNMAS of an explosive ordnance disposal training package and deployment plan for 60 Somali Police Force police. The initial phase of training was launched by UNMAS on 16 March in Mogadishu. This training will enable the Government to identify unexploded and abandoned ordnance in Mogadishu for clearance and disposal, thus reducing civilian casualties and improving overall security.

**Justice and corrections**

63. UNDP, in collaboration with the Ministry of Justice and the Supreme Court, is identifying immediate, short- and long-term needs in the justice system, including the appointment of judges. At present, only one court is functional in Mogadishu, and provisions are being made for its rehabilitation and of the offices of the Supreme Court and the Ministry of Justice. Training support for judges has been offered by UNDP. During the reporting period, the Chief Justice expressed serious concerns regarding the security of judges and legal personnel in Mogadishu. In the past year more than 10 judges in southern and central Somalia were either killed or forced to leave their functions.

64. Following an agreement with UNDP, UNODC is currently taking the lead in activities related to corrections in Somalia as they relate to counter-piracy efforts. In this context, and in support of counter-piracy efforts, UNODC is working to bring Hargeisa prison up to international health and safety standards and will shortly evaluate and refurbish Bossaso prison. According to the Somalia Deputy Attorney-General, conditions in the Mogadishu Prison are dire and life-threatening, with overcrowding, poor sanitary conditions and access to health care, and inadequate food and water supply.

65. UNDP and the Police Advisory Committee carried out detention monitoring and continue to support civil society organizations providing legal aid assistance. In Mogadishu, 62 persons benefited from legal assistance in February, including IDPs, minority clans, women, minors, elderly and mentally challenged persons. As a result, a third of the detainees were released on account of lack of evidence. Also, 25 survivors of sexual and gender-based violence were registered at the Centre for Health Dialogue and Development and received medical referrals, and legal and psychosocial counselling.

66. UNDP continued its armed violence reduction project and has launched a Somali community assistance framework programme, which aims to increase the capacity of communities and authorities to reduce and manage conflict and violence.

As an initial step, UNDP conducted victimization surveys in Galkayo, Burao, Bossaso, and Lascaanood. These should later be expanded to Mogadishu and Cadale. Preliminary results, based on some 800 questionnaires collected in Galkayo in November and December 2009, indicate that in many communities violence is related to criminality, rather than clan militia activity.

## E. Humanitarian, human rights, recovery and development activities

67. In January, consultations on reconstruction and development priorities until 2012 were completed with the Transitional Federal Government, regional authorities, and non-State actors in Nairobi, Hargeisa and Garowe. The consultations concluded that longer-term funding and programmes were needed to address the underlying causes of conflict. An updated recovery and development programme will provide the basis for longer-term strategies of the United Nations, the World Bank, the EU and Norway in the coming years. UNPOS took part in the consultations with the Government, "Puntland" and "Somaliland" authorities, to ensure the inclusion of human rights elements in their development plans.

68. UNPOS accompanied the Independent Expert on the human rights situation in Somalia on his mission to "Puntland" and "Somaliland" in January 2010. The Expert presented his report to the Human Rights Council in March. UNPOS has been collaborating with other agencies and NGOs to strengthen monitoring capacities and to raise awareness on human rights.

69. In 2010, United Nations agencies continued to support the recovery and development programme through their work under the United Nations transition plan. In "Puntland" and "Somaliland", the United Nations undertook capacity development of civil servants in core government functions. United Nations agencies established a land dispute tribunal in Hargeisa and land policy and land law secretariats in both Hargeisa and Garowe. The Hargeisa City Charter Bill was completed and is to be introduced in the "Somaliland" Parliament. The United Nations joint programme on local governance allocated $100,000 to nine "Somaliland" districts for projects, such as water storage, gravel roads, community centres and markets, which were identified through a participatory process and will benefit 66,000 people.

70. Child protection networks working with the United Nations continued to monitor, report and advocate on child protection violations, and to mobilize communities to take action on this issue, including on child recruitment. From November 2009 to January 2010, an estimated 289,000 children and over 296,000 women in all 16 districts of Mogadishu benefited from Child Health Days for the first time. In early March, the second round of Child Health Days, which had been delayed owing to insufficient funding, began in Middle Juba, targeting 430,000 children under five and 480,000 women. Somali officials participated in regional discussions on polio eradication from 5 to 9 March.

71. Approximately 37,000 children, of whom 43 per cent are girls, attended 111 schools in Mogadishu and over 35,000 children, of whom 54 per cent are girls, received primary education through 120 schools in the Afgooye corridor. In January, Hamar Jaabjab Primary School in Mogadishu was opened by the Ministry of Education, benefiting 389 children.

72. Following the seasonal *deyr* rains, an assessment report confirmed that livelihoods had been eroded by conflict, environmental and economic shocks over five seasons, while highlighting that the food security crisis continued. In anticipation of the incoming *gu* rainy season, the United Nations trained 3,000 farmers and distributed sorghum and fertilizer to approximately 29,000 households, while 28,000 households benefited from cash for work activities. Nearly 400 kilometres of canals were completed and rain-water storage systems were expanded in Hiran and Lower Shabelle, and rain water storage systems were expanded by approximately 88,000 square metres in Mudug and Galgaduud regions in central Somalia. In pastoral areas approximately 2.5 million animals were treated and/or vaccinated from 1 January to 31 March, benefiting 70,000 households, while 1,500 pastoral households received four lactating animals each. The construction of 548 permanent houses, three storm-water systems in Hargeisa, Bossaso and Garowe and five solid waste management projects in "Somaliland" were completed. In January, the rehabilitation of one slaughterhouse and two vegetable markets was completed in Burao and Mogadishu.

73. During the first quarter of 2010, the United Nations and partner organizations provided 18,000 IDPs from Dhusamareeb, Galgaduud region, central Somalia, with comprehensive relief kits. Chlorination of water sources was also intensified in locations experiencing an increase in IDPs.

74. While malnutrition remains critical in most of southern and central Somalia and pockets in the north, by early 2010 acute malnutrition rates in Bossaso IDP camps had declined significantly. This may be attributed to the distribution of nutritional supplements, alongside integrated health, food, and water and sanitation interventions that reached approximately 132,800 nutritionally vulnerable children under three years nationwide. Blanket supplementary feeding in early 2010 reached over 54,800 displaced children aged 6 to 59 months in Afgooye and Mogadishu.

75. Over the past three months, WFP has distributed close to 23,000 metric tons of food to some 700,000 Somalis every month, mainly in Mogadishu, central and northern Somalia. WFP activities continue uninterrupted in Mogadishu, with 16 operational community kitchens distributing more than 80,000 meals per day; and food distributions continue in central and northern Somalia to drought-affected and displaced people.

76. As part of efforts to reduce the risks of mines for the civilian population, UNMAS continues to provide mine risk education sessions in communities affected by mines and unexploded ordnance. Additionally, UNMAS has continued to map mine contamination throughout southern and central Somalia, with 10 casualties reported since my previous report. On 12 February, UNMAS took over from UNDP the management responsibility for mine action in "Puntland" and "Somaliland", including the provision of support to the Mine Action Centres and the police explosive ordnance disposal teams in each region.

## VI. Observations/recommendations

77. Despite multiple challenges, the Transitional Federal Government has been making strong efforts to improve security and stability in Somalia. In this context, it has begun to raise domestic revenues to fund some of its initiatives, signalling that it intends to gradually become more self-reliant. Recent progress in key areas has

rendered the Government more confident and established it as a serious representative of the interests of the Somalis and a viable partner of the international community.

78. August 2011 will mark the end of the transitional period in Somalia; yet a number of critical transitional tasks, including the drafting of the Somalia constitution, have yet to be completed. I am encouraged that progress was made in the constitution-making process lately. This momentum should be encouraged, as the process has lasted far too long and should be completed soon. It is important that the constitution reflect engagement with a broad cross-section of the Somali people.

79. I am encouraged by the commitment of the Transitional Federal Government to form an inclusive administration by reaching out to those outside the peace process. The 15 March agreement between the Government and ASWJ appears to be a consequence of the persistent openness of the Government to dialogue. I urge the Government to implement this agreement and to keep its door open in the search for inclusive governance and stability. I also invite those who wish to join the peace process to do so without further delay, in the interest of their country.

80. I welcome the effort made by the Transitional Federal Government in preparing its own security sector assessment report and the national security and stabilization plan. Once finalized, the latter should constitute a crucial instrument to develop the Somali security sector in the short and long term. The national security and stabilization plan is also an important tool for strengthening coordination among international partners and for ensuring coherence between the various types of support provided.

81. Despite genuinely striving to move forward, I am concerned that the Transitional Federal Government still lacks the necessary capacity to implement its agenda and that it remains financially dependent on external assistance. The year 2010 is pivotal to the successful implementation of the transitional agenda; any failure in this regard will play into the hands of the extremists and contribute to deepening the plight of the Somali people. I therefore urge the Somali leaders to maintain cohesion and dialogue within the Transitional Federal Institutions and to focus their energies on overcoming the momentous challenges facing their country. I further reiterate my appeal to Member States to urgently release their pledged contributions to the Government. I also urge donors to deliver further direct assistance to the Government trough the PricewaterhouseCoopers facility.

82. Foreign fighters and various other actors continue to fuel the anarchy caused by the conflict, and to profit from it. Some are reaping tremendous benefits from the de facto "free economic zone" that exists in Somalia. I urge Member States to undertake measures to implement the sanctions regime, including resolution 1907 (2009), which imposed targeted sanctions on those jeopardizing the peace process.

83. Ongoing obstruction and intimidation by insurgent elements have hindered the delivery of humanitarian assistance to those in need. I am concerned that the disruption in food aid delivery will adversely impact the health and nutrition of many Somalis. I remind all parties that they are obligated by international law to allow humanitarian assistance to reach those in need. The lack of adequate funding for humanitarian programmes is already having an impact on the welfare of many Somalis. I urge donors to remain steadfast in their contribution to efforts to meet the urgent needs of 3.2 million Somalis.

84. I have taken note of the recent report of the independent Monitoring Group on Somalia (S/2010/91). The United Nations will further investigate the contents of the report and any irregularities in the management of humanitarian assistance will be addressed properly and expeditiously.

85. I remain deeply concerned about the impact of the conflict on civilians and call on all parties to ensure their protection. I condemn the launching of attacks by extremists from populated areas and demand an end to these attacks. At the same time, any response to such attacks must meet the international humanitarian law requirements of necessity and proportionality. I am also disturbed by continuing reports of threats, abuse and arbitrary detention of journalists, especially by armed groups. These abuses constitute serious violations of the right to freedom of expression. The obligation for all parties to respect human rights is also critical. Pervasive impunity is unacceptable and should be addressed. All those abusing the rights of the Somali people will be held accountable.

86. I congratulate the Transitional Federal Government and the regional authorities of "Puntland" and "Somaliland" on their contribution to updating reconstruction and development priorities for 2010. I appeal to donors to continue providing multi-year commitments that match the needs identified in the recovery and development programme, in accordance with the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action on aid effectiveness.

87. I wish to acknowledge the critical efforts made by the African Union, especially through AMISOM, and IGAD to stabilize Somalia. I welcome their enhanced collaboration with the United Nations, particularly with my Special Representative. I pay special tribute to AMISOM troops, who continue to operate undaunted in a difficult and dangerous environment. AMISOM has recently increased its troop level, drawing closer to its authorized strength. I reiterate my call to the international community to urgently extend to the African Union, AMISOM and IGAD the required support to discharge their mandates. Particularly important is the need to raise the stipends paid to AMISOM troops to a level comparable to that of United Nations peacekeeping operations, and to reimburse lethal equipment to the troop-contributing countries.

88. I urge the Transitional Federal Government to intensify its efforts, especially in the areas of political reconciliation and outreach, security, stability and delivery of services. It is also critical that the international community fully embrace the existing opportunity for lasting peace and stability, notably by strengthening its effective presence inside Somalia and by further coordinating its actions. A thorough review of the way the international community works on Somalia from Nairobi would send a positive message to our regional, continental and international partners.

89. Optimal coordination and joint programming between leading United Nations actors on Somalia are critical to maximize the impact of our activities. To that end, I intend to review the implementation of the United Nations strategy for Somalia, in connection with my policy on integration of United Nations operations. I will submit to the Security Council my findings and options for ensuring United Nations coherence and coordination on Somalia. In the meantime, steps will be taken to operationalize the joint planning unit within the office of my Special Representative, which will include members of the United Nations country team, to ensure

coherence and alignment of United Nations efforts in the political, security and socio-economic programmatic dimensions.

90. The United Nations continues to implement the three-phased incremental approach, as outlined in my report of 16 April 2009 (S/2009/210) and as endorsed by the Security Council. I intend to keep its implementation under review to identify areas of improvement.

91. Finally, I express my deep appreciation to my Special Representative for his continued dedication and commitment to advancing peace and national reconciliation in Somalia. I pay tribute to the men and women serving in UNPOS, UNSOA, the United Nations country team, the United Nations planning team, and other relevant organizations, as well as to members of the non-governmental humanitarian community who operate under difficult conditions. I call on the Somali people and other Member States to continue to extend unwavering support and cooperation to my Special Representative and his office.

United Nations S/2010/235

Security Council

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# Letter dated 14 May 2010 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1031 (1995), I have the honour to convey the attached letter dated 7 May 2010, which I received from the High Representative for Bosnia and Herzegovina (see annex), transmitting the thirty-seventh report on implementation of the Peace Agreement, covering the period from 1 November 2009 to 30 April 2010.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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## Annex

### Letter dated 7 May 2010 from the High Representative for Bosnia and Herzegovina and European Union Special Representative addressed to the Secretary-General

Pursuant to Security Council resolution 1031 (1995), which requested the Secretary-General to submit to the Council reports from the High Representative in accordance with annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Conclusions of the London Peace Implementation Conference of 8 and 9 December 1995, I herewith present to you the thirty-seventh report (see enclosure). I would kindly ask for this report to be distributed to the members of the Security Council for their consideration.

This is my third report to the Secretary-General since assuming the office of the High Representative for Bosnia and Herzegovina (and European Union Special Representative) on 26 March 2009. The present report covers the period from 1 November 2009 to 30 April 2010.

Should you or any Council member require any information beyond what is offered in the attached report or have any questions regarding its contents, I should be pleased to provide further information.

(*Signed*) Valentin **Inzko**

**Enclosure**

# Thirty-seventh report of the High Representative for Bosnia and Herzegovina

**1 November 2009-30 April 2010**

*Summary*

This report covers the period from 1 November 2009 to 30 April 2010. During the reporting period, there has been continued progress on addressing the conditions for visa liberalization with the European Union, and the European Commission presented its assessment in this regard to the Council of the European Union and the European Parliament in April. Furthermore, the North Atlantic Treaty Organization decided on 23 April, at its ministerial meeting in Tallinn, to accept Bosnia and Herzegovina's application for a Membership Action Plan, however, making this step conditional upon a resolution of the issue of immovable defence property. Bosnia and Herzegovina also became a non-permanent member of the United Nations Security Council as of 1 January 2010.

Otherwise, during the past six months all levels of authority in Bosnia and Herzegovina have made limited progress towards adopting and implementing long-needed reforms. Equally, challenges to the General Framework Agreement for Peace have continued.

It remains a matter of concern that legal and political actions against State institutions, competencies and laws, mainly by the Government of Republika Srpska and challenges to the authority of the High Representative and the Steering Board of the Peace Implementation Council have continued. In the build-up to the general elections in October 2010, divisive, anti-Dayton rhetoric disputing the sovereignty and constitutional order of Bosnia and Herzegovina have increased as have provocative actions that threaten earlier progress in coping with and overcoming the country's legacy of serious war crimes. In this respect, it is worrying that the Republika Srpska authorities have adopted a new Law on Referendum for the express purpose of holding a referendum challenging the authority of the High Representative. Furthermore, the Federation has also not met the obligations, under its Constitution, for an equal distribution among the three constituent peoples of six key positions in the entity's executive, legislative and judiciary institutions.

Only limited progress has been made towards meeting the outstanding requirements set by the Steering Board of the Peace Implementation Council for transition from the Office of the High Representative to a European Union presence. Owing to the inability of the Bosnia and Herzegovina Council of Ministers and State Property Commission to take appropriate action, the Office of the High Representative conducted and completed a State Property Inventory in December 2009. Progress on constitutional reform has likewise stalled, with the high-level political discussions ("Butmir process") initiated by the European Union and the United States ending in November without a breakthrough. Equally, the relevant

authorities have not managed to implement the December 2009 ruling of the European Court of Human Rights regarding the rights of minorities to stand for election and appointment to important State-level institutions, a ruling which requires amendments to the Bosnia and Herzegovina Constitution.

The European Union military mission in Bosnia and Herzegovina has continued to reassure citizens that the environment in the country remains safe and secure.

# I. Introduction

1. This is my third report to the Secretary-General since assuming the post of High Representative for Bosnia and Herzegovina — as well as the post of European Union Special Representative — on 26 March 2009. In keeping with past practice, the present report assesses progress made towards attaining the goals outlined in previous reports, reviews developments during the reporting period, and provides my assessment of mandate implementation in the most important areas, not least the objectives and conditions which must be met before the transition from the Office of the High Representative to a European Union (EU) presence can be agreed. I have focused my efforts on facilitating progress in these areas, meeting my primary responsibility to uphold the Dayton Peace Agreement, but facilitating progress towards European integration as well. Regrettably, my efforts have largely been dedicated to addressing negative developments, in particular in a context marked by divisive legal and rhetorical actions against State institutions.

2. The successful election of Bosnia and Herzegovina to a non-permanent seat in the Security Council in 2010-2012 represents a milestone in the country's pursuit of its foreign policy ambitions and is an important recognition of the progress achieved in recent years. Equally, initial steps towards NATO membership and progress in addressing the conditions for visa liberalization set by EU also represent concrete steps forward. Finally, the regional situation has also continued to develop favourably, with Croatia, Montenegro, Serbia and Turkey all playing increasingly constructive roles vis-à-vis Bosnia and Herzegovina, which has contributed to improved relations in the region.

# II. Political update

### General political environment

3. Despite progress on the Euro-Atlantic agenda and improved relations in the region, the overall political climate in Bosnia and Herzegovina has continued to be negative. In the context of the forthcoming general elections in October 2010, the political atmosphere has deteriorated, having a negative impact on the delivery of still-outstanding reforms. Anti-Dayton activities have continued (specifically in relation to Annexes 2, 4 and 10 of the General Framework Agreement for Peace), and the use of nationalistic and intemperate rhetoric has increased. In particular, political leaders from Republika Srpska have questioned the sovereignty and sustainability of Bosnia and Herzegovina by underlining that the country is a "virtual State", sustained only by the presence of the international community, and, in particular, by referring to the possibility of the country's "peaceful dissolution" and the "emergence of a new State". The same authorities have also challenged the rulings of the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice that qualified as genocide the July 1995 massacres by Serbs of Bosniaks who had sought refuge in the United Nations-protected area of Srebrenica in July 1995.

4. In parallel, the Republika Srpska authorities have continued their challenges to the authority of the international community. On 21 January, the Republika Srpska Government challenged the authority of the Security Council, the Peace Implementation Council and the High Representative through a document entitled

"The High Representative's decision on extension of term of office to international judges and prosecutors is in contravention of the rule of law", together with a legal attachment entitled "Correction of the legal facts that have been wrongly presented by the Office of the High Representative and some Ambassadors of the Peace Implementation Council". The latter document denies the authority and powers of the High Representative as entrusted by the Security Council under Chapter VII of the Charter of the United Nations and questions the authority of the High Representative as the final authority in theatre regarding interpretation of the civilian implementation of the peace settlement. It also questions the legitimacy of the Peace Implementation Council.

5. On the other hand, the regional situation has continued to develop positively. Both the President of Serbia, Boris Tadic, and the newly elected President of Croatia, Ivo Josipovic, visited Bosnia and Herzegovina in April 2010, where they urged moderation, pressed for reconciliation and publicly supported the sovereignty and territorial integrity of Bosnia and Herzegovina.

6. On 30 March, Serbia's Parliament passed a landmark resolution condemning crimes committed in Srebrenica in July 1995, which represented an important step towards easing tensions between Bosnia and Herzegovina and Serbia. Turkey has also played an important role by holding trilateral talks with Croatia and Bosnia and Herzegovina on the one hand and Serbia and Bosnia and Herzegovina on the other. As a result, Belgrade granted *agrément* to Bosnia and Herzegovina's Ambassador-designate to Serbia, who was accredited in March 2010. Moreover, the "Istanbul Declaration" signed in late April by the Presidents of Serbia, Turkey and Bosnia and Herzegovina committed the three countries to improving their mutual relations and to supporting the territorial integrity and Euro-Atlantic integration prospects of Bosnia and Herzegovina.

**The High Representative's decisions during the reporting period**

7. In response to the High Representative's decision of 18 September 2009 related to the continued functioning of the State Electricity Transmission Company ("Transco") and the technical steps needed to complete the Brcko Final Award, the Republika Srpska Government and National Assembly adopted conclusions that declared those decisions null and void, illegal and a violation of the Dayton Peace Agreement (see S/2009/588, paras. 22 and 23). Notwithstanding this defiance, the Republika Srpska authorities subsequently accepted and adopted legislation pertaining to entity citizenship for Brcko residents that was in compliance with the text of my decision. Although they have been prompted to do so, the Republika Srpska authorities have so far failed to adopt amendments necessary to incorporate Brcko District into the electricity regulatory framework that covers the rest of the country. The relevant authorities in Republika Srpska have also refused to publish the High Representative's decisions in the entity's Official Gazette. These actions are in violation of the High Representative's authority under Annex X of the Dayton Peace Agreement and various Security Council resolutions, as well as the Republika Srpska Law on Governing the Official Gazette.

8. By December 2009, more than one year after local elections, the Mostar City Council had proved unable either to elect a mayor or to pass a 2009 budget, despite repeated admonitions by the Steering Board of the Peace Implementation Council and interventions by the Office of the High Representative to facilitate progress.

With unanimous support from the Ambassadors on the Steering Board of the Peace Implementation Council, the High Representative issued a decision on 14 December 2009 enacting amendments to the Statute of the City of Mostar. This resulted in the election of a Mayor and the adoption of a city budget on 18 December 2009.

9. As the mandates of international judges and prosecutors working in State-level judicial institutions were about to expire in late December, the High Representative used his executive powers on 14 December 2009 — again with unanimous support from the Steering Board of the Peace Implementation Council — to extend the mandates of international judges and prosecutors in the War Crimes Divisions of the State Court and the Prosecutor's Office of Bosnia and Herzegovina. Those decisions did not cover the mandates of the judges and prosecutors dealing with organized crime. Those decisions were a result of the failure of the relevant Bosnia and Herzegovina authorities to act in this regard or to provide for any domestic alternative to the international presence, despite requests from the Court and the Prosecutor's Office of Bosnia and Herzegovina going back more than two years before the High Representative's decisions. Although the decisions pertain only to the State-level criminal justice system, the Republika Srpska Government and National Assembly rejected those decisions and, as a result, approved measures calling for a referendum on the High Representative's powers.

10. In November 2009 and January 2010, the High Representative issued in total six decisions lifting bans on persons previously barred from being a candidate for elections or to hold any executive office at any level because of earlier obstruction of the General Framework Agreement for Peace.

**Five objectives and two conditions for the closure of the Office of the High Representative**

11. None of the remaining three objectives necessary for the closure of the Office of the High Representative was fully met during the reporting period. Although the Office completed the State Property Inventory and turned it over to State-level, entity and Brcko District governments in December 2009, the relevant authorities of the State, entities and Brcko District have not yet initiated any discussions on how to allocate State property. Moreover, the Republika Srpska Government has rejected the State Property Inventory. Despite the High Representative's repeated requests, the State-level and entity governments have also failed to produce any "self-assessment" of State property they would need for their effective functioning (Brcko District has responded). Instead, there have been threats at the State level, in the Federation and in Republika Srpska to address the State property question by taking unilateral steps.

12. There has likewise been limited progress in addressing the question of immovable defence property, on which the political leaders remain as divided as they are on the wider State property issue. However, there has been the promise of progress on destroying surplus ammunition, weapons and explosives. The Minister of Defence has applied for financial and technical assistance from the Government of the United States of America for the destruction of most small arms and all high-risk ammunition, mines and explosives. This represents concrete progress as regards the question of movable defence property.

13. In relation to Brcko District, notification to the Brcko Arbitral Tribunal that the entities have fulfilled their obligations under the Brcko Final Award remains on

hold. While the measures needed to incorporate Brcko into Bosnia and Herzegovina's legal and regulatory framework for electricity are in place and in force at the Bosnia and Herzegovina Federation and Brcko levels of authority, the Republika Srpska authorities have still not complied with the High Representative's decision of 18 September 2009. The Brcko Supervisor cannot certify completion of the Brcko Final Award until this matter is resolved.

**State-level institutions**

14. The Bosnia and Herzegovina Presidency has met regularly and adopted a 2010 budget of KM 1.365 billion, which was 1 per cent less than the 2009 budget. The Presidency also passed a Proposed Annual Platform on Intelligence-Security Policy; accepted a two-year extension of the mandate of the European Union Police Mission; started the procedure to appoint a judge to the European Court of Human Rights; tasked the Ministry of Defence with preparing information on implementation of the Agreement on Final Disposal of Rights and Obligations on Movable Property; and most recently approved a military mission to the NATO-led International Security Assistance Force mission in Afghanistan.

15. The Council of Ministers continued to meet regularly, adopting 13 sets of amendments to existing legislation, 2 of which were previously imposed by the High Representative, and 17 new laws. After months of delay, the Council of Ministers approved amendments to the Rule Book on Internal Organization and Staffing of the Ministry of Foreign Affairs relating to the Permanent Mission of Bosnia and Herzegovina to the United Nations. The Council of Ministers also adopted a revised strategy for implementation of Annex VII of the General Framework Agreement for Peace relating to refugee return, which awaits adoption by the Bosnia and Herzegovina Parliamentary Assembly. This is the second time the Council of Ministers has sent the Annex VII strategy to the Bosnia and Herzegovina Parliament for adoption. The Council of Ministers appointed a director of the Return Fund in April 2010.

16. In November 2009, the new Minister of Security was appointed. The appointment took place two months after the statutory time limit. However, the Council of Ministers has yet to make other long-pending appointments to key State-level agencies, namely, the Indirect Taxation Authority, the Communications Regulatory Agency, the State Electricity Transmission Company and the Coordinator for Public Administration Reform, even though the statutory deadlines have in some of these cases passed more than two years ago.

17. The Bosnia and Herzegovina Parliamentary Assembly adopted six laws and 21 amendments to existing legislation. Overall legislative work has continued to be adversely affected by the negative political environment.

**Developments in the entities**

18. As a response to the High Representative's decisions issued in December on extension of the international judges and prosecutors in the area of war crimes, the Republika Srpska Government submitted on 26 January a draft Law on Referendum and Civic Initiatives to the Republika Srpska National Assembly, which was adopted on 10 February. On 28 December, the Republika Srpska National Assembly had instructed the Government to call a referendum and to discuss its subject matter and scope. On 20 April, the Republika Srpska Constitutional Court rejected the Bosniak

invocation of "vital national interest" against the above-mentioned law. The Republika Srpska Prime Minister and other entity political leaders have since made it clear that their intention is to hold a referendum before the general elections in October, reportedly about the Dayton Peace Agreement and the right of the High Representative to use his executive powers.

19. Given the current political situation, a referendum on issues falling outside the constitutional competencies of Republika Srpska would constitute a serious challenge to Bosnia and Herzegovina's constitutional order and would likely be viewed by large segments of the public, as well as Federation-based political parties and organizations, as a prelude to secession. Under the domestic constitutional framework, no referendum can be conducted by an entity in a matter that does not fall within its constitutional competencies. The status and powers of the High Representative are matters arising under the Dayton Peace Agreement and international law, and, therefore, do not fall within the purview of Republika Srpska. Such a referendum would directly challenge Annex X of the Dayton Peace Agreement as well as the authority of successive Security Council resolutions.

20. In the Federation, political relations within the governing coalition deteriorated during the reporting period, owing in part to the belt-tightening required by the International Monetary Fund (IMF) and the angry response of veterans groups. Protests led by war veterans resulted in violent clashes with the police on 21 April 2010. Political relations between Croatia and Bosnia and Herzegovina also remained strained, with numerous vital positions in Federation institutions unfilled owing to disagreements over their respective representation and blockades of each other's economic projects. As a result, the post of Minister for Spatial Planning and several seats on the Federation Constitutional Court bench have remained vacant for months. The Federation Deputy Prime Minister also resigned and has yet to be replaced. Furthermore, the Federation has not met the obligations under its Constitution for an equal distribution among the three constituent peoples of six key positions in the entity's executive, legislative and judiciary institutions.

**Constitutional reform**

21. A number of initiatives were taken by international actors during the reporting period to facilitate a breakthrough on constitutional reform. However, the political leaders failed to make any concrete progress. The negotiations sponsored by the European Union and the United States of America ended in November 2009 with the parties' leaders still far apart. Subsequently, there have been no serious discussions on constitutional reform.

22. On 22 December 2009, the Grand Chamber of the European Court of Human Rights issued a much-anticipated ruling (on behalf of the Roma and Jewish communities) in the Sejdic-Finci case. The European Court found Bosnia and Herzegovina in violation of the European Convention on Human Rights because of racial discrimination stemming from the way in which it elects members of its Presidency and delegates to the House of Peoples. Following the ruling, in February 2010, the Council of Ministers and the Bosnia and Herzegovina Parliamentary Assembly established a working group tasked with proposing solutions to implement the above-mentioned ruling. The working group, however, failed to produce any concrete results, owing mainly to the diametrically opposed views of

the political leaders on the nature and scope of constitutional reform. In late April 2010, the Council of Ministers extended the mandate of the working group and instructed it to continue its work.

23. On 29 April 2010, the Parliamentary Assembly of the Council of Europe adopted a resolution which stated that Bosnia and Herzegovina must urgently launch an institutionalized process for preparing a comprehensive package of amendments to the Constitution — with a view to removing, in particular, constitutional discrimination against the so-called "others" as well as the members of three "constituent peoples" who do not reside in the entity where their ethnic group is largely represented. The resolution stressed that such a process — which should continue after the general elections — should involve domestic legal experts and draw on European expertise, including that of the Council of Europe's Venice Commission.

24. The general elections, scheduled for 3 October, were officially called on 5 May 2010 by the Bosnia and Herzegovina Central Election Commission. Owing to the failure of the Bosnia and Herzegovina authorities to implement the December 2009 ruling of the European Court of Human Rights, those elections will take place according to the current Constitution of Bosnia and Herzegovina and the election law, which are in breach of the European Convention on Human Rights.

## III. European partnership priorities and visa liberalization

25. There has been limited progress in addressing the European Partnership priorities during the reporting period. While the Council of Ministers adopted 11 laws that stemmed from Bosnia and Herzegovina's European Partnership Action Plan or were conditions of the Stabilization and Association Agreement, the Bosnia and Herzegovina Parliamentary Assembly enacted only 4 such laws.

26. The Council of Ministers finalized the appointment procedures stemming from the April 2008 police reform laws when it appointed the director and deputy directors of the new Directorate for Coordination on 9 March 2010. The Council of Ministers also selected a new Coordinator for European Community Assistance on 8 April 2010.

27. The Law on a Population Census for 2011, an important European Partnership priority, was rejected by the Bosnia and Herzegovina Parliamentary Assembly. An ad hoc parliamentary committee charged with preparing a draft law failed to reach a compromise agreement in April. Instead, the Republika Srpska Government adopted its own entity census law on 15 April 2010. The proposed law, which has yet to be debated in the Republika Srpska National Assembly, calls for a census to take place between 1 and 15 April 2011. The European Commission has made it clear that it will accept only a State-wide census law for European integration purposes and that an entity census would have no relevance in this regard.

28. Reforms designed to ensure a single economic space and which are also part of the European Partnership priorities, including the adoption of a single law on obligations and the establishment of a single system of banking supervision, remain blocked.

29. There has been significant progress in meeting the conditions of the visa liberalization road map. The European Commission presented its assessment in this

regard to the European Parliament's Committee for Civil Liberties, Justice and Home Affairs and the Council of the European Union in April. According to the European Commission, it appears that Bosnia and Herzegovina meets most of the benchmarks set by the visa road map. The country has issued around 115,000 biometric passports as of 9 April 2010. The authorities have also adopted the Law on the Agency for the Prevention of Corruption and the Coordination of the Fight against Corruption, and the Law on Amendments to the Criminal Code of Bosnia and Herzegovina. However, further progress is required, in particular in relation to strengthening the capacities of law enforcement agencies and the effective implementation of the legal framework, and in implementing the action plan for the electronic data exchange between police and prosecution bodies. The harmonization of the entity level and Brcko District criminal codes with those of the State level is also necessary. Provided that the necessary conditions are met, the European Union institutions might decide on granting visa-free access for the citizens of Bosnia and Herzegovina in the second half of 2010.

## IV. Public administration

30. During the reporting period, there was limited progress in the reform of public administration, and the civil service remains a target for attempts by political leaders to permit greater control over relevant appointments. The Bosnia and Herzegovina Public Administration Reform Strategy and its various action plans remain only partially implemented. A new Public Administration Reform Coordinator has not been appointed.

31. In February 2009, the Federation Constitutional Court ruled that the West Herzegovina Canton Law on Civil Servants, which would establish a separate civil service in that canton, was constitutional. The Federation President then filed a legal challenge against the Federation Civil Service Law before the Federation Constitutional Court, which is due to announce its decision on 13 May 2010. This court ruling presents a risk that the unified Federation civil service could fragment into 11 separate civil services, and would thus represent a rollback of the civil service and public administration reforms that have been agreed by the State-level, Federation, Republika Srpska and Brcko District authorities.

32. The Republika Srpska National Assembly adopted legislation abolishing the institution of the Republika Srpska Ombudsman on 23 December 2009. This cleared the last major obstacle for the Bosnia and Herzegovina Ombudsman's Office to become fully operational. However, the law also foresees the establishment of an Office of the Republika Srpska President for Citizens' Appeals and Complaints, which would assume some of the responsibilities and staff of the Republika Srpska Ombudsman.

## V. Entrenching the rule of law

### National War Crimes Prosecution Strategy

33. The collection of data on outstanding war crimes cases commenced during the reporting period, albeit after considerable delays. The central database developed for the Bosnia and Herzegovina Prosecutor's Office is currently being expanded to

include all data collected from the entire country. With technical support from the Bosnia and Herzegovina High Judicial and Prosecutorial Council, the final database will be under the authority of the Bosnia and Herzegovina Prosecutor's Office. On 13 April, the Supervisory Board overseeing the implementation of the National War Crimes Prosecution Strategy received the complete list of war crimes cases opened in Bosnia and Herzegovina as of March 2010. A total of 1,381 cases, involving 8,249 suspects, are currently under investigation. In addition, there are another 1,863 reported cases and some 350 reported cases against unknown perpetrators that are not currently being investigated. The next step will centre on analysing the compiled information in order to define concrete criteria for the prioritization of cases, and then the distribution of cases between the State and entity jurisdictions will be decided. On 9 April 2010, relevant representatives of the courts and prosecutors' offices in Bosnia and Herzegovina warned that the lack of staff, office space and budgetary support could undermine the implementation of the National War Crimes Prosecution Strategy.

34. With regard to the second identified priority of the National War Crimes Prosecution Strategy — regional cooperation on prosecuting war crimes — the Bosnia and Herzegovina Chief Prosecutor has started preparing a draft memorandum of understanding on the sharing of evidence, which would be signed with neighbouring countries.

35. The Ministers of Justice of Bosnia and Herzegovina, Croatia and Serbia signed amendments to the existing Agreements on Mutual Enforcement of Court Decisions in Criminal Matters in February 2010. Those amendments are designed to address the problem of dual citizens sentenced in one country escaping to a neighbouring country where they have citizenship to avoid serving their sentence. The amendments should enable criminal sentences to be served in the country to which convicted persons have escaped and have established residence. The Bosnia and Herzegovina Minister of Justice has also signed amendments to the Agreement on Legal Aid in Civil and Criminal Matters between Bosnia and Herzegovina and the Republic of Serbia in order to enact the principles upon which the conflict of jurisdictions in respect to war crimes could be resolved between the two countries.

36. However, the arrest on 1 March 2010 of Ejup Ganic, a former member of the Bosnia and Herzegovina war time Presidency, by authorities in the United Kingdom of Great Britain and Northern Ireland, pursuant to an extradition request made by Serbia in relation to his alleged involvement in the so-called "Dobrovoljacka Street" case,[1] showed that the newly signed amendments to the bilateral agreement did not offer instruments to avoid such cases. It also highlighted once again the need for a regional and coordinated approach to the question of criminal proceedings in war crimes cases.

**National Justice Sector Reform Strategy**

37. By the end of 2009, only 30 per cent of the requirements of the National Justice Sector Reform Strategy had been met. The third ministerial conference on

[1] The case carries the contemporaneous name of the Sarajevo street where the event took place. It is reported that on 3 May 1992, a Yugoslav People's Army convoy was attacked by the Bosnia and Herzegovina territorial defence, police forces and paramilitary units while withdrawing from Yugoslav People's Army military bases in Sarajevo and that the attack resulted in number of casualties.

the implementation of the National Justice Sector Reform Strategy, held on 22 December 2009, confirmed the failure of the signatories to enforce their commitment to ensure "coordinated monitoring of key reform initiatives of joint interest for the justice sector in Bosnia and Herzegovina". As a result, a technical secretariat was established to assist the Bosnia and Herzegovina Ministry of Justice to meet its coordination role. The Ministry of Justice also signed a memorandum of understanding with five civil society associations in order to reinforce their monitoring role of the implementation of the strategy. Given the low level of implementation, on 12 January 2010, the European Union delegation, the Organization for Security and Cooperation in Europe, the United States of America, the Council of Europe and the High Representative signed a letter to the relevant authorities urging them to improve implementation of the Strategy.

**Other rule of law issues**

38. Following the failure by the Bosnia and Herzegovina Parliamentary Assembly to adopt the required amendments requested by the Court and the Prosecutor's Office, as well as the International Tribunal for the Former Yugoslavia, on 14 December 2009, the High Representative enacted amendments to the Law on the Court of Bosnia and Herzegovina and to the Law on the Prosecutor's Office of Bosnia and Herzegovina. The presence of international judges and prosecutors working on war crimes cases in the State-level judicial institutions was thereby extended for a further three years. The decision also urged the relevant authorities to prepare in advance for the nationalization of those positions. However, the High Representative's decision did not cover the extension of the mandates of international judges and prosecutors in the organized crime, economic crime and corruption departments. It was agreed instead that internationals might serve as advisers in these sectors. However, the High Representative's decisions were unable to prevent the departure of a number of international prosecutors, judges and legal assistants whose contracts had expired earlier in the year. In order to support such a presence, the Office of the High Representative convened international donors' meetings on 21 December 2009 and 16 February 2010. Of the original €8.5 million budget announced by the Registry of the Court and of the Bosnia and Herzegovina Prosecutor's Office in December 2009, pledges amounted to some €6.4 million by March 2010. The mandates of the six international judges working on war crimes were prolonged on 28 January 2010. On 17 February 2010, the High Judicial and Prosecutorial Council appointed one already serving international prosecutor to the Prosecutor's Office War Crimes Department and added three new international prosecutors on 30 March 2010. Also in March 2010, the Registry recruited all the other budgeted international positions: organized crime advisers, war crimes investigators and legal officers.

39. Another problem affecting the judiciary is the ongoing failure to appoint three judges to the Federation Constitutional Court, which is preventing the Court from ruling on vital national interest cases. As prescribed by law, the High Judicial and Prosecutorial Council conducted the procedure for filling those vacancies and proposed a list of candidates to the Federation President for her subsequent nomination. Under the Federation Constitution and the Law on the High Judicial and Prosecutorial Council, the Federation President may nominate candidates only from the list proposed by the High Judicial and Prosecutorial Council. However, the incumbent President continues to challenge the role of the High Judicial and

Prosecutorial Council in the process of selecting and proposing candidates. This appointment procedure has been stalled since November 2008, and there are no prospects of resolving this impasse anytime soon.

40. As required by the International Monetary Fund's (IMF) Stand-by Arrangement for Bosnia and Herzegovina, the salaries of judges of the Federation Constitutional Court and Federation Supreme Court, as well as of prosecutors in the Federation Prosecutor's Office, have been cut by 10 per cent. Given that the Federation Constitution prohibits the reduction of judicial salaries and other emoluments during a judge's term, this issue is likely to remain controversial. Those cuts were not specified by IMF, and those affected are likely to seek legal redress.

41. On 19 November 2009, the Administrative Council of the Council of Europe Development Bank approved a loan of €19.3 million to Bosnia and Herzegovina for the construction of a State prison, the total cost of which is expected to amount to €39.6 million. The prison is set to open in October 2012. The construction of a State prison is crucial for resolving at least a part of the problem of substantial backlogs in the execution of criminal sanctions. The problem is most acute in the Federation, where it is estimated that approximately five years can elapse between the pronouncement of a final and binding conviction and actual imprisonment in cases where sentences are for less than five years. In recent months, the Federation Ministry of Justice has tried to tackle this problem by increasing prison capacities and by planning to introduce an electronic supervision system (house arrest) for persons receiving short-term sentences of up to one year, as well as for those granted conditional release for extended periods. The requisite amendments to the Federation Criminal Code and the Federation Law on the Execution of Criminal Sanctions were adopted by the Federation Government on 14 April 2010.

## VI. Cooperation with the International Tribunal

42. The Chief Prosecutor is scheduled to report to the Security Council in June 2010 regarding Bosnia and Herzegovina's cooperation with the Tribunal. However, the arrest of Ratko Mladic remains outstanding, and degrading his support network inside Bosnia and Herzegovina remains the top priority for those international and national elements working on the issue. This highlights the fact that more attention should be paid to the still-existing support networks behind persons indicted for war crimes in order to ensure that they do not regain their former strength. The Office of the High Representative is supporting those efforts.

43. The trial of Radovan Karadzic, which resumed on 1 March 2010, has continued to attract a wide coverage in the media in Bosnia and Herzegovina as well as abroad. The resumption of the Karadzic trial on the same day that Ejup Ganic was arrested in London amplified domestic media coverage and ensured mutually divergent commentary.

44. Former wartime commander of the Army of the Republic of Bosnia and Herzegovina and former Federation Army commander, General Rasim Delic, died on 16 April 2010. In a first instance verdict at the Tribunal, against which he had appealed, Delic was sentenced to three years' imprisonment. Delic was subsequently buried in Sarajevo with full military honours and in the presence of high-level Bosniak dignitaries and uniformed, active duty members of the Armed Forces of Bosnia and Herzegovina. The military honours and use of the premises of the Armed

Forces of Bosnia and Herzegovina for the funeral resulted in strong criticism from the international community and the Bosnian Serbs.

45. Republika Srpska authorities, led by the Prime Minister, have continued with statements and actions intended to question well-documented war crimes, such as the genocide in Srebrenica, calling into question an official report of the Republika Srpska that was issued as a requirement of a binding decision of the Human Rights Chamber related to Srebrenica. These statements intensified after the Serbian Parliament adopted its resolution on Srebrenica. The Republika Srpska authorities and non-governmental organizations also have attempted to hamper the work of the Bosnia and Herzegovina Missing Persons Institute.

46. Radovan Stankovic, who escaped from prison in Foca in May 2007, remains at large. No serious measures have been undertaken to locate him and to bring him back to serve his sentence. Stankovic's trial was the first case of the Tribunal to be transferred to the Court of Bosnia and Herzegovina, where he was convicted of crimes against humanity and sentenced to 20 years' imprisonment. The Court of Bosnia and Herzegovina recently convicted Stankovic's brother and two medical officials for abetting his escape. No actions have been taken against any guards or other officials in the prison administration of the time.

47. The European Union renewed its restrictive measures (travelling restrictions and economic sanctions) in relation to non-cooperation with the Tribunal in March 2010. These sanctions remain in force until March 2011.

## VII. Reforming the economy

48. A comparison of Bosnia and Herzegovina's economic indicators for 2009 with those for 2008 confirms that the economic situation is difficult. The growth in gross domestic product in 2009 was negative and estimated at -3 per cent,[2] exports decreased by 17.6 per cent and imports by 24.2 per cent.[3] The number of officially registered unemployed is at 43 per cent[4] of the working population, and foreign direct investments in 2009 dropped by 18 per cent compared with 2008 and by 80.6 per cent compared with 2007.[5] In the period from January to November 2009, there was also a decrease in the entity revenues, by 8.2 per cent in the Federation and by 15 per cent in Republika Srpska compared with the same period in 2008.[3] Last year showed a 5.1 per cent increase in the average net salary (€404) and a 3.7 per cent increase in the average pension (€172).[3] Furthermore, industrial production dropped in the Federation by 11.6 per cent, but it increased in Republika Srpska by 19 per cent.[5]

49. A Stand-by Arrangement with IMF has helped avert the country's looming financial crisis. On 24 March 2010, the IMF Executive Board completed the first review of Bosnia and Herzegovina's economic performance under the Stand-By Arrangement and approved the immediate disbursement of both the second and the third tranches of IMF funding. This totalled €138.4 million, with the Federation receiving two thirds and Republika Srpska one third of funding. Moreover, on

[2] Central Bank of Bosnia and Herzegovina.

[3] Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina.

[4] Statistics Agency of Bosnia and Herzegovina.

[5] Directorate for Economic Planning of Bosnia and Herzegovina.

8 April 2010, the Board of Executive Directors of the World Bank approved a Development Policy Operation for Bosnia and Herzegovina in the amount of $111 million, which is intended to provide budget support to accelerate the implementation of priority public expenditure reforms. The approval of the World Bank funds and the IMF disbursement reflects the progress made in meeting the country's commitments to both institutions. The Federation, however, still faces acute political difficulties in properly implementing the agreed conditions.

50. As for the economic reform agenda, the Governing Board of the Indirect Taxation Authority has repeatedly failed to agree on new indirect tax revenue allocation coefficients and has not performed the temporary and final rebalancing of collected and distributed indirect tax revenues. Both obligations, coefficients and rebalancing, are explicitly required by the Rulebook on Methodology for the Allocation of Indirect Taxes that was adopted on 24 June 2008. There has likewise been no agreement within the Council of Ministers on the appointment of a new Director of the Authority, although the mandate of the incumbent expired on 8 December 2008. On the other hand, on 24 November 2009, the Indirect Taxation Authority Governing Board agreed on a temporary methodology for the allocation of road toll tax revenues,[6] thus finally unblocking over €28 million from the Single Account.

51. During the reporting period, the Bosnia and Herzegovina Fiscal Council endorsed the establishment of two bodies relevant to the IMF Stand-By Arrangement and approved the distribution of the IMF Special Drawing Rights funds between the entities. It also agreed on the manner of allocation of European Union macrofinancial assistance worth €100 million.[7]

52. The settlement and transfer of the previously distributed SFRY succession funds was completed on 31 March 2010 in line with the High Representative's Decision of 18 September 2009, when the Law on the Distribution, Purpose and Use of Financial Assets Obtained under Annex "C" to the Agreement on Succession Issues was enacted.[8] This Decision was triggered by the Bosnia and Herzegovina Fiscal Council's conclusion of 6 March 2009 providing for the distribution of more than €87 million to the entities without a proper legal basis and depriving the State and the Brcko District of any share, compounded by the failure of the relevant authorities to address those problems by the 15 September 2009 deadline set by the Peace Implementation Council's Steering Board on 30 June 2009.

53. In the energy sector, there have been no major developments since the High Representative's decision of 18 September 2009, which was enacted in response to

[6] The temporary methodology foresees that 10 per cent of total road toll tax revenues be allocated for reserves, with the rest being allocated to the Federation (59 per cent), Republika Srpska (39 per cent) and Brcko District (2 per cent). In the event of a difference between the permanent and temporary methodologies, the 10 per cent reserve will be used for debt settlement.

[7] According to the Fiscal Council's agreement of 1 April 2010, 10 per cent would be allocated to the institutions of Bosnia and Herzegovina, 60 per cent to the Federation and 30 per cent to Republika Srpska.

[8] According to the decision, 17,089,284.11 KM was reallocated to the institutions of Bosnia and Herzegovina and 5,126,785.23 KM was reallocated to the Brcko District from the Single Account.

the plans of Republika Srpska[9] to dissolve the existing State Electricity Transmission Company. This posed a threat not only to the company itself but also to electricity transmission in the entire territory of Bosnia and Herzegovina and between the country and its neighbours. The High Representative's decision is now being fully complied with in practice, and the management structures of the State Electricity Transmission Company have been restored, as required. However, the decision-making in the company remains effectively blocked. As a result, there are no investments in the electricity transmission grid, although funds are available in this regard.

54. On a more positive note, the country's banking sector appeared stable during the reporting period and should be further strengthened as a result of the recent decision of the European Bank for Reconstruction and Development to provide a credit line of €50 million to the Bosnia and Herzegovina Deposit Insurance Agency.

55. The State and entity budgets for 2010 were adopted before the end of 2009. However, both the State and entities may struggle to meet all their commitments due to the continuing shortfall in revenues.

## VIII. Return of refugees and displaced persons

56. There are still about 117,000 persons registered as internally displaced, more than 7,000 of whom live in poor conditions in collective centres. Some of the internally displaced have lived in such conditions for over 15 years.

57. During the reporting period, the Council of Ministers re-adopted the revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement. The Bosnia and Herzegovina House of Representatives has also endorsed the strategy, and it is currently awaiting adoption in the Bosnia and Herzegovina House of Peoples. The draft strategy provides a basis for the resolution of problems of displaced persons, which still are serious. It would provide for the development of return programmes for refugees and displaced persons and open up the possibility to address the needs of those who cannot or do not want to return to their pre-war homes.

58. The Office of the United Nations High Commissioner for Refugees remains the lead international agency in the refugee sector in Bosnia and Herzegovina. The Office of the High Representative will continue to support its efforts to ensure full implementation of Annex VII.

## IX. Mostar

59. By December 2009, which is more than a year after the municipal elections, the Mostar City Council had yet to elect a Mayor or to adopt a budget for 2009. As a result, the High Representative was compelled to issue a Decision Enacting an Amendment to the Statute of the City of Mostar, which ensured the possibility of

[9] The "Special Conditions for Electricity Transmission in the Republika Srpska" aims at illegally delegating all sole responsibilities of Transco to its Banja Luka, Sarajevo and Mostar operational centres (three out of four), thus de facto instructing them to act as independent electricity transmission companies whose areas of responsibility do not cross the IEBL.

electing a Mayor in all future third rounds of voting, and, exceptionally, empowered the Mayor to proclaim the budget if the City Council failed to adopt it in a timely manner.

60. As a consequence, the Mostar City Council re-elected (by a simple majority) a new Mayor of Mostar on 18 December 2009. When the Mostar City Council failed to approve a budget, the new Mayor — also pursuant to the High Representative's decision — used his new authority to proclaim the 2009 city budget on 23 December 2009. With the Mayor elected and the budget adopted, the city's trade unions ended the strikes that had been crippling city services, which soon returned to normal. By the end of the reporting period, the Mostar City Council had still not adopted an annual budget for 2010, although the deadline for doing so had expired on 31 March.

61. Despite the many obstacles that have been encountered in the last 18 months, and on the basis of the progress above, the High Representative decided in March that progress in Mostar had been sufficient to permit closure of the Office of the High Representative in Mostar from 30 June 2010. The Office of the High Representative will, however, maintain a three-person team in Mostar, charged with monitoring developments in Mostar and the region.

## X. Brcko District

62. As underlined by the High Representative in his previous report, the failure of the State and entities to meet their obligations arising from the Brcko Final Award made it necessary for him to enact amendments to several pieces of legislation relating to Brcko on 18 September 2009. For their part, the State and entities were required to assent by publishing these decisions in their respective official gazettes. Authorities of the State, the Federation and the Brcko District complied with their obligations, but the Republika Srpska authorities did not. As a result, the Brcko District Supervisor has not been able to certify that the entities have fulfilled their obligations arising from the Arbitral Awards and, thus, he has not been able to proceed with the final steps leading to termination of supervision by the Peace Implementation Council Steering Board. By the end of the reporting period, the Republika Srpska authorities had yet to fulfil the remaining condition related to electricity and unblock the State Electricity Regulatory Commission.

63. The above-mentioned amendments on electricity stipulate that both entity electricity producers have an equal obligation as a public service to supply electrical power to the Brcko District. The share that each producer supplies to Brcko is a matter of agreement, but if none is made by the end of October of any given year, then a default supply ratio of 50:50 becomes operative. Since Republika Srpska did not publish the High Representative's decision in the entity official gazette or recognize the law, no agreement was reached to this effect for 2010, and the default 50:50 option took effect. In this regard, the Republika Srpska electricity provider would provide power to the District from January through June 2010, to be taken over by the Federation counterpart from July onwards. The Brcko Supervisor has continued discussions with the Republika Srpska authorities on the matter, as there appears to be agreement in principle on most issues. In the meantime, Republika Srpska remains in non-compliance with the Brcko Final Award.

64. On a more positive note, after initially rejecting the law, the Republika Srpska authorities adopted in February the Republika Srpska Law on Amendments to the Law on Citizenship in the identical form as the High Representative enacted it on 18 September 2009. Republika Srpska authorities have since prepared further amendments to this legislation, which should come into effect in the second half of May 2010. They set out the specific means by which Brcko residents can exercise their right to declare or change their entity citizenship. The Federation has meanwhile failed to follow suit, even though it had more time to enact the necessary amendments. In combination, these delays mean that Brcko District residents will not have to wait to exercise their right to declare or change their entity citizenship. Entity citizenship is a requirement for District residents to vote for candidates running for State and entity offices in the October general elections.

65. The political situation in Brcko District has remained relatively stable over the reporting period. The all-party "concentration" government in the District had a good start, not least owing to the introduction of a coordination body that was established through a post-election political party agreement designed to facilitate political agreements on all major issues. Efforts have continued to ensure that Brcko's institutions will be able to "function effectively and apparently permanently" after the end of supervision. During the reporting period, the Supervisor enacted four Supervisory Orders. Of these, three were of a technical nature, one amending an earlier Supervisory Order, and two amending the Statute of the Brcko District and a related piece of legislation needed to reflect the adoption of Amendment I to the Bosnia and Herzegovina Constitution, which ensures the Brcko District's effective access to the Bosnia and Herzegovina Constitutional Court.

66. Moreover, with the aim of ensuring the equality of all constituent peoples in Brcko District and encouraged by the agreement reached in November 2009 between all political parties and representatives of relevant associations of victims and war veterans, the Supervisor enacted a Supervisory Order on Monuments which facilitates and regulates the erection of a monument for fallen soldiers of the Army of the Republic of Bosnia and Herzegovina and one for the Croat Defence Council, as well as a monument dedicated to all civilian victims of war. All agreed that the existing monument to the Army of the Republika Srpska would remain.

67. During the reporting period, the Brcko District Judicial Commission, with the aim of implementing obligations stemming from the State War Crimes Strategy, issued a decision terminating the application of the ex-Yugoslav Criminal Code, replacing it with provisions from the Bosnia and Herzegovina Criminal Code relating to war crimes and related criminal offences committed in the jurisdiction of Brcko District. Two indictments for war crimes were raised under these new provisions during the reporting period.

68. The Bosnia and Herzegovina Indirect Taxation Authority reported that KM 30.11 million had been allocated to Brcko District for the period January-March 2010. This represents a 3.6 per cent increase compared with the same period last year and roughly 22 per cent of the projected revenues in the Brcko District budget for 2010. The average salary in Brcko District has increased by 8 per cent, standing at KM 790 per month.

69. As far as Brcko District is concerned, implementation of the High Representative's decision enacting the Law on the Distribution, Purpose and Use of

Financial Assets Obtained under Annex "C" to the Agreement on the Succession Issues has been completed. The Bosnia and Herzegovina Indirect Taxation Authority has transferred KM 5.1 million to the District from the Single Account. As regards the settlement of mutual debts between Brcko and the entities, Brcko District signed a protocol with the Republika Srpska Health Insurance Fund in February 2010. No similar protocol with the Federation has been signed as yet.

## XI. Defence reform

70. The interest of NATO in progress made by Bosnia and Herzegovina remained high throughout the reporting period. NATO representatives discussed Bosnia and Herzegovina's application for a Membership Action Plan in both December 2009 and in April 2010. Before the latter discussion, the NATO Secretary General, accompanied by the permanent representatives of member States in the North Atlantic Council, visited Sarajevo on 23 March 2010. The visitors pressed the respective authorities to deliver more progress ahead of the informal meeting of NATO Foreign Ministers in Estonia on 22 and 23 April 2010, at which Bosnia and Herzegovina's application for the NATO Membership Action Plan was due to be reviewed.

71. In April 2010, the Bosnia and Herzegovina Presidency duly approved the deployment of a static security unit to ISAF as part of the Danish contingent in Regional Command South and tasked the Bosnia and Herzegovina Minister of Defence to send a letter of intent to NATO military headquarters. Meanwhile, the Bosnia and Herzegovina Minister of Defence applied for financial and technical assistance from the Government of the United States of America for the destruction of all quantities of small arms and high-risk ammunition, mines and explosives, representing a significant percentage of the surplus ammunition to be destroyed. Yet, on the third issue of interest to NATO — resolution of prospective immovable defence property — Bosnia and Herzegovina's political leaders remained as divided as they have long been on the wider State property issue.

72. Therefore, while NATO Foreign Ministers decided at the summit in Tallinn on 22 April 2010 to offer Bosnia and Herzegovina the Membership Action Plan, they conditioned the start of the country's first Annual National Programme on the achievement of an appropriate solution regarding immovable defence property, signifying that all such properties identified as necessary for future defence purposes must be officially registered as property of the State for use by the Bosnia and Herzegovina Ministry of Defence. This important decision came after Bosnia and Herzegovina had reached the end of its first two-year Individual Partnership Action Plan cycle in December 2009. Bosnia and Herzegovina had completed and submitted an Individual Partnership Action Plan self-assessment document to NATO for 2010-2012 during April 2010.

## XII. Intelligence reform

73. The leadership of the Intelligence-Security Agency of Bosnia and Herzegovina continued its efforts to consolidate the Agency, actively assisted by the Bosnia and Herzegovina Parliamentary Committee for Oversight of the Intelligence-Security Agency of Bosnia and Herzegovina. During the reporting period, the Council of

Ministers and the Bosnia and Herzegovina Presidency made small improvements in their executive control over the Agency, as seen by the timely adoption of its Annual 2010 Intelligence-Security Policy Platform (a set of annual policy guidelines for the work of the Agency).

74. The Joint Parliamentary Committee for the Oversight of the Intelligence-Security Agency of Bosnia and Herzegovina has carried out its responsibilities in a competent and informed manner. However, the subsequent discussions in the Bosnia and Herzegovina Parliamentary Assembly on the Annual 2010 Intelligence-Security Policy Platform showed that the allegiance to the State remained weak. The Policy Platform of the Agency has yet to be adopted by the Bosnia and Herzegovina Parliamentary Assembly.

75. On 22 April 2010, the Council of Ministers agreed to extend the mandates of the three Directors of the Agency for a final four-year term.

## XIII. European Union military force

76. The European Union military mission in Bosnia and Herzegovina (EUFOR) continued to provide a military force of some 2,000 personnel and retained the capacity to bring in over-the-horizon reserves. Its headquarters and peace-enforcement capability remained based in the Sarajevo area, but liaison and observation teams continued to be present throughout the country. The presence of EUFOR in the field provided crucial reassurance that citizens in general still feel to be necessary. Given the difficult political environment, it remained important that EUFOR retained the capacity to deploy troops throughout Bosnia and Herzegovina at short notice. EUFOR also continued to work closely with the Bosnia and Herzegovina Armed Forces.

77. EUFOR continued to play a key role in contributing to a safe and secure environment that, in turn, helped the Office of the High Representative and other international organizations to fulfil their respective mandates. As such, EUFOR continued to serve as an important factor of stability in the country. On 25 January 2010, the European Union decided to start capacity-building and training support to the Bosnia and Herzegovina Armed Forces while underlining its commitment to the country's efforts to maintain a safe and secure environment. The Council of the European Union also expressed its readiness, should the situation so require, to maintain an executive military deployment, under a United Nations mandate, beyond 2010 to support the efforts of Bosnia and Herzegovina to maintain a safe and secure environment. The High Representative considers it important for EUFOR to retain an executive mandate for at least some months after transition from the Office of the High Representative to a reinforced European Union presence. The European Union Special Representative has continued to offer political guidance and support to the EUFOR mission.

## XIV. European Union Police Mission

78. Under its new mandate, the focus of the European Union Police Mission has shifted to the fight against organized crime. The Police Mission retains a residual capacity for the implementation of police reform measures, including the long-

standing initiative of securing greater budgetary and legal independence for police directors and commissioners from the respective Ministries of Interior. The joint efforts of the Office of the High Representative and the European Union Police Mission in this area have continued during the reporting period, with a focus on working with the Federation, cantonal and Republika Srpska authorities on their respective internal affairs laws.

## XV. Decertified police officers

79. In January 2010, the Republika Srpska National Assembly adopted the Republika Srpska Law on Police Officials, which, inter alia, regulates the issue of persons denied certification by the International Police Task Force in line with the letter of the President of the Security Council of April 2007. In April 2010, the Republika Srpska Constitutional Court ruled against challenges to certain provisions in the law not related to the provisions on persons denied certification that had prevented the law from coming into force. This ruling has cleared the way for the law to enter into force upon official publication, at which point Bosnia and Herzegovina will have completed the final step in implementing the requirements set out in the above-mentioned letter of the President of the Security Council.

## XVI. Media developments

80. The reform of the public broadcasting system continued to proceed slowly. Owing to the continuing lack of political support for the creation of a unified system, cooperation among the three public broadcasters remains poor. Many elements of the State-level public broadcasting system legislation, which was adopted four years ago, have still not been put into effect. The Board of the public broadcasting system has yet to adopt a statute or register the system's corporation (which is responsible for streamlining the activities of the three broadcasters).

81. The Communications Regulatory Agency, which is responsible for regulating the telecommunications and electronic media sectors, remains in a difficult position as a result of the continuing failure of the current authorities to appoint either its Council or general director. Not for the first time, the Council of Ministers has allowed party-political interests and wrangling to take precedence over the public interest in having functional institutions. As a result, the Agency has had an acting general director for more than two years. The delays in these appointments have already had a negative impact on the functioning of the Agency, particularly as a number of decisions prepared by it have been put on hold by the Council of Ministers.

82. In terms of media freedom, the reporting period has been characterized by numerous assaults on that ideal on the part of political parties. On 4 April 2010, the High Representative issued a public statement warning officials that it was essential for the media "to report freely, accurately, and fairly from all parts of the country". Of particular alarm are efforts led by elected officials to deny certain media access to information or to influence their editorial policies. Both the Organization for Security and Cooperation in Europe Representative on the Freedom of the Media and the European Parliament have both repeatedly expressed their concern over the

media situation in Bosnia and Herzegovina. In the recent report of Freedom House, Bosnia and Herzegovina is ranked 97 among 195 countries in the table of Global Press Freedom.

## XVII. European Union Special Representative

83. The European Union Special Representative has continued to coordinate the various missions of the Union on the ground. In line with his mandate, the EU Special Representative has offered local political guidance to EUFOR and the European Union Police Mission. In addition, the European Union Special Representative, together with the EU delegation, has organized the European Union Task Force meeting with the relevant Bosnia and Herzegovina authorities with the aim of facilitating EU-related reforms.

84. The EU Special Representative, in particular, in the light of the forthcoming general elections and the election campaign that will precede it, has intensified his efforts during the reporting period to reach out to parliamentarians, political parties, media, civil society and non-governmental organizations, social partners, as well as young people in order to promote Bosnia and Herzegovina's EU perspective. The EU Outreach Programme, which entered its third phase in the autumn 2009, aims at broadening and deepening the domestic debate on EU-related issues, as well as fostering active domestic support for the country's integration into the EU. In addition to continuing the Parliament for Europe project and a wide range of other activities with the electronic and print media, in February 2010, the EU Special Representative started cooperation with a civic network of 34 non-governmental organizations from across the country to engage political parties in dialogue sessions advocating major reforms from the EU agenda.

85. In April 2010, the EU Special Representative, together with other EU heads of mission, launched a tour of municipalities in order to raise the profile of EU issues in the run up to the general elections in October. These activities reflect a newly adopted EU communication strategy encompassing all EU actors on the ground and which aims to ensure coherent and consistent EU messages to the public of Bosnia and Herzegovina.

86. The EU Lisbon Treaty entered into force on 1 December 2009. As a consequence, the European External Action Service is being developed by the relevant EU institutions.

## XVIII. Bosnia and Herzegovina and the region

87. Bosnia and Herzegovina's relations with its immediate neighbours, Croatia, Montenegro and Serbia, have improved during the reporting period. The President of Serbia has repeatedly made constructive statements supporting Bosnia and Herzegovina's European perspective as well as the country's sovereignty and territorial integrity. He did so again during a visit to Bosnia and Herzegovina on 12 April, shortly after the Serbian Parliament adopted a resolution condemning the war crimes in Srebrenica in 1995. This represents a major development that should contribute to further reconciliation and better relations between the two countries.

88. The President of Croatia also visited Bosnia and Herzegovina on 12 and 13 April and, publicly expressing his deep regrets for Croatia's role in the atrocities committed in the 1990s, demonstrated his readiness to lead by example when it comes to reconciliation.

89. Turkey has also been very active in fostering improved relations between Bosnia and Herzegovina and its neighbours, in particular with Serbia. Through the organization of high-level trilateral meetings with Bosnia and Herzegovina and Serbia on one side and Bosnia and Herzegovina and Croatia on the other side, Turkey has actively attempted to contribute to further improve relations in the region. On 24 April 2010 in Istanbul, the Heads of State of Bosnia and Herzegovina, Serbia and Turkey signed a joint declaration designed to stabilize and enhance mutual relations between Bosnia and Herzegovina and Serbia. In addition to specifying areas of cooperation and confirming Bosnia and Herzegovina's territorial integrity, it envisages high-level bilateral visits of the Bosnia and Herzegovina joint Presidency to Belgrade and of President Boris Tadic to this year's commemoration of the genocide in Srebrenica. Other senior representatives from the region have also indicated their readiness to attend the Srebrenica commemorations.

## XIX. Future of the Office of the High Representative

90. The Peace Implementation Council Steering Board met at the level of political director twice during the reporting period, on 19 and 20 November 2009 and again on 24 and 25 February 2010. At both meetings, the Peace Implementation Council expressed its concern over the political situation in the country and, in particular, regarding the lack of progress in addressing the remaining objectives and conditions for the closure of the Office of the High Representative. As a result of the Bosnia and Herzegovina authorities' failure to meet those objectives and conditions, the Steering Board has thus far been unable to take a decision on the closure of the Office of the High Representative. The next meeting of the Steering Board of the Peace Implementation Council is scheduled to take place on 29 and 30 June 2010.

91. While working towards transition, the High Representative has decided to reduce the staff in the Office by over 20 per cent as of 1 July this year. In consequence, the Mostar office will be closed, and there will be significant staffing reductions in the Brcko District office. Reductions are also planned in the offices in Banja Luka and Sarajevo. As of July 2010, the Office of the High Representative will have a total of 168 staff members.

## XX. Reporting schedule

92. In keeping with the proposals of my predecessor to submit regular reports for onward transmission to the Security Council, as required by Security Council resolution 1031 (1995), I herewith present my third regular report. Should the Secretary-General or any Security Council member require information at any other time, I should be pleased to provide an additional written update. My next regular report to the Secretary-General is scheduled for November 2010.

United Nations S/2010/236

Security Council

Distr.: General
12 May 2010

Original: English

## United Kingdom of Great Britain and Northern Ireland: draft resolution

*The Security Council*,

*Recalling* its resolutions 1909 (2010), 1879 (2009), 1864 (2009), 1825 (2008), 1796 (2008), and 1740 (2007), and the statement of its President of 5 May 2009 (S/PRST/2009/12),

*Reaffirming* the sovereignty, territorial integrity and political independence of Nepal and its ownership of the implementation of the Comprehensive Peace Agreement and subsequent agreements,

*Recalling* the signing on 21 November 2006 by the Government of Nepal and the Communist Party of Nepal (Maoist) of a Comprehensive Peace Agreement, and the stated commitment of both parties to find a permanent and sustainable peace,

*Acknowledging* the strong desire of the Nepalese people for peace and the restoration of democracy and the importance in this respect of the implementation of the Comprehensive Peace Agreement and subsequent agreements by the relevant parties,

*Expressing* its continued readiness to support the peace process in Nepal in the timely and effective implementation of the Comprehensive Peace Agreement and subsequent agreements, in particular the 25 June 2008 Agreement, as requested by the Government of Nepal,

*Noting* that the deadline for the promulgation of the new democratic constitution of Nepal is 28 May 2010, and concerned that, to date, the political parties are yet to reach consensus on the new constitution or on extending the tenure of the Constituent Assembly,

*Expressing concern* at the recent tensions in Nepal, and *calling on* all sides to resolve their differences through peaceful negotiation,

*Echoing* the Secretary-General's call for all parties in Nepal to move forward swiftly in the implementation of the agreements reached, noting the Secretary-General's assessment that the United Nations Mission in Nepal (UNMIN) is well placed to assist in the monitoring of the management of arms and armed personnel in accordance with the 25 June 2008 Agreement between the political parties, and recognising UNMIN's ability to assist the parties in this, as requested, in order to achieve a durable solution,

10-36010 (E) 120510

Please recycle

*Welcoming* the report of the Secretary-General of 28 April 2010 on UNMIN (S/2010/214),

*Recalling* the completion of two phases of the verification process, welcoming continuing assistance with the monitoring of the management of arms and armed personnel of both sides in accordance with resolution 1740 (2007) and in line with the provisions of the Comprehensive Peace Agreement, noting the importance of a durable long term solution in helping to create the conditions for completion of UNMIN's activities, and noting also in this regard the need to address outstanding issues without further delay,

*Welcoming* the completion of the discharge process for disqualified Maoist army personnel as agreed in the 16 December 2009 action plan for the discharge and rehabilitation of Maoist army personnel disqualified as minors agreed between the Government of Nepal, the Unified Communist Party of Nepal (Maoist) and the United Nations, and calling upon all parties to continue implementing this action plan, with the appropriate monitoring and reporting activities, in accordance with resolution 1612 (2005), and 1882 (2009),

*Recalling* that with the successful holding of the Constituent Assembly elections, some of the elements of the mandate of UNMIN as set out in resolution 1740 (2007) have already been accomplished,

*Taking note* of the Government of Nepal's letter to the Secretary-General of 5 May 2010 (S/2010/229), which recognises UNMIN's contribution and requests an extension of the mandate of UNMIN until 15 September 2010,

*Recognizing* the need to pay special attention to the needs and the role of women, children and traditionally marginalized groups in the peace process, as mentioned in the Comprehensive Peace Agreement and resolution 1325 (2000),

*Recognizing* the need to address impunity and to promote and protect human rights, and to strengthen the capacity of independent national human rights institutions in accordance with international principles,

*Recognizing* that civil society can play an important role in democratic transition and conflict prevention,

*Expressing appreciation* for the contribution of the Secretary-General's Representative and the efforts of her team in UNMIN, and the United Nations Country Team, including the Office of the High Commissioner for Human Rights which is monitoring human rights at the request of the Government of Nepal, and stressing the need for coordination and complementarity of efforts between the mission and all the United Nations actors in the mission area, particularly in order to ensure continuity, as the mandate comes to an end,

1. *Decides* in line with the request from the Government of Nepal and the Secretary-General's recommendations, to renew the mandate of UNMIN as established under resolution 1740 (2007) until 15 September 2010, taking into account the completion of some elements of the mandate and the ongoing work on the monitoring of the management of arms and armed personnel in line with the 25 June 2008 Agreement among the political parties, which will support the completion of the peace process;

2. *Calls upon* all parties to take full advantage of the expertise and readiness of UNMIN, within its mandate, to support the peace process to facilitate the completion of outstanding aspects of UNMIN's mandate by 15 September 2010;

3. *Underlines* that the current arrangements were conceived as temporary measures, rather than long-term solutions, and *decides* that, working with the parties, UNMIN should immediately begin to make the necessary arrangements for its withdrawal, including handing over any residual monitoring responsibilities by 15 September 2010;

4. *Calls upon* the Government of Nepal and the United Communist Party of Nepal (Maoist) to agree and implement a timetabled action plan with clear benchmarks for the integration and rehabilitation of Maoist army personnel, with the support of the Special Committee for the supervision, integration and rehabilitation of Maoist army personnel, and its Technical Committee;

5. *Calls upon* all political parties in Nepal to expedite the peace process, and to work together in a spirit of cooperation, consensus and compromise in order to continue the transition to a durable long-term solution to enable the country to move to a peaceful, democratic and more prosperous future;

6. *Requests* the parties in Nepal to take the necessary steps to promote the safety, security and freedom of movement of UNMIN and associated personnel in executing the tasks defined in the mandate;

7. *Requests* the Secretary-General to report to the Security Council by 1 September 2010 on the implementation of this resolution;

8. *Decides* to remain seized of the matter.

United Nations S/2010/237

Security Council

Distr.: General
12 May 2010

Original: English

**France: draft resolution**

*The Security Council*,

*Recalling* its resolutions and the statements of its President concerning Chad, the Central African Republic and the subregion, including resolutions 1769 (2007), 1778 (2007), 1834 (2008), 1861 (2009) and 1913 (2010),

*Considering* the need to examine thoroughly the recommendations for a revised mandate of the United Nations Mission in the Central African Republic and in Chad (MINURCAT) included in the report of the Secretary-General (S/2010/217) of 29 April 2010,

*Determining* that the situation in the region continues to constitute a threat to international peace and security,

1. *Decides* to extend until 26 May 2010 the mandate of MINURCAT as set out in resolution 1861 (2009), extended by resolution 1913 (2010);

2. *Decides* to remain actively seized of the matter.

10-36804 (E) 120510

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United Nations S/2010/238

Security Council

Distr.: General
11 May 2010

Original: English

# Report of the Secretary-General on his mission of good offices in Cyprus

## I. Introduction

1. The present report on my mission of good offices in Cyprus covers developments from 25 November 2009 to 30 April 2010, and brings up to date the record of activities carried out by my mission regarding the fully fledged negotiations between the Greek Cypriot and Turkish Cypriot leaders. The Security Council, in its most recent resolution 1898 (2009), adopted on 14 December 2009, welcomed the progress made in the negotiations and the prospect of further progress in the near future towards a comprehensive and durable settlement.

## II. Background

2. The current round of negotiations was initiated following the agreement of 21 March 2008 between the Greek Cypriot leader, Demetris Christofias, and the Turkish Cypriot leader, Mehmet Ali Talat. At their meeting on 23 May 2008, the two leaders reaffirmed their commitment to a bizonal, bicommunal federation with political equality, as defined by relevant Security Council resolutions. According to the leaders' statement, this partnership will have a Federal Government with a single international personality, as well as a Turkish Cypriot Constituent State and a Greek Cypriot Constituent State, which will be of equal status (see S/2008/353, annex III). On 1 July 2008, they discussed the issues of single sovereignty and citizenship, on which they agreed in principle.

3. During the four-month preparatory period, six working groups were established to initiate a review of the key substantive chapters to be negotiated, as well as seven technical committees to work on confidence-building measures aimed at not only improving the everyday lives of Cypriots, but also at encouraging and facilitating greater interaction among them. On 25 July 2008, having carried out their final review of the preparations made thus far, the leaders decided to launch fully fledged negotiations in September 2008, under my good offices. In a joint statement issued the same day, they stated: "The aim of the full-fledged negotiations is to find a mutually acceptable solution to the Cyprus problem which will safeguard the fundamental and legitimate rights and interests of Greek Cypriots and Turkish Cypriots. The agreed solution will be put to separate simultaneous referenda".

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4. Since the fully fledged negotiations began on 3 September 2008, 31 joint papers have been produced by the leaders, their representatives and experts, setting out the positions of the two sides on the issues and indicating areas of convergence and divergence.

5. On 30 March 2010, Mr. Christofias and Mr. Talat held their final meeting prior to a mutually agreed pause in the negotiations, in the light of the campaigning and holding of elections in the north of Cyprus on 18 April.

## III. Work of the good offices

6. Since my previous report (S/2009/610), my Special Adviser, Alexander Downer, and/or my Special Representative, Tayé-Brook Zerihoun, have continued to facilitate a series of meetings between the leaders and between their representatives. My Special Adviser has also met separately with the leaders or their representatives on a regular basis, as well as with political party leaders, representatives of civil society, members of the business community and other prominent personalities, including religious figures, and representatives of a broad cross section of the communities in the north and the south, to hear their views and concerns.

7. My Special Adviser and his team have continued to benefit from the technical support of several international experts on governance and power-sharing and on property. The experts also met with their counterparts from the negotiating teams of both sides on their specific issues of focus.

8. Following up on the initial assessment of the peace process made in the fall of 2009 under Security Council resolution 1325 (2000), a gender consultant was engaged by the United Nations Development Programme (UNDP) to encourage more consistent reflections of gender perspective in the process, in close consultation with local stakeholders and the good offices team. In this respect, in early March 2010 the consultant met with a "gender core group" of Turkish Cypriot and Greek Cypriot women, supporting their efforts to contribute a gender perspective to the negotiating chapters under consideration by the leaders. The group made a first contribution in this regard to the two leaders, providing inputs on the issue of gender in the context of governance and power-sharing. UNDP is currently considering project proposals aimed at further enhancing the role of women in the peace process.

9. During the reporting period, my Special Adviser travelled to Athens in February 2010 and Ankara in March 2010 to meet with Alternate Minister for Foreign Affairs Droutsas and Minister for Foreign Affairs Davutoglu, respectively. Both underlined their full support to the negotiations and expressed their commitment to assisting the parties in finding a timely solution to this long-standing problem. My Special Adviser also kept in close contact with Jose Manuel Barroso, President of the European Commission, directly and through the official appointed to act as the liaison between the Commission and my good offices mission in Cyprus.

10. Throughout the period of this report, I maintained contact with the two leaders on the Cyprus issue and encouraged them to keep up the momentum and to work towards the solution of the problem in the shortest time possible. From 31 January to 2 February 2010, I visited Cyprus for the first time as United Nations Secretary-

General. The objectives of my visit were to demonstrate my personal support to the Cypriot-led talks to reunify the island, to underline the continued commitment of the United Nations to the process, and to stress the need to expeditiously strive for a successful conclusion of the talks. I had constructive separate and joint meetings with the two leaders and witnessed the genuine desire of people for a solution when passing through the Ledra Street/Lokmaci crossing, where I was warmly welcomed by both sides. In their joint statement of 1 February, issued during my visit (see annex I), the leaders stated that a settlement "is in the interest of all and that it will finally bring peace, stability and prosperity to our common home, Cyprus". I left Cyprus with renewed conviction that a solution is within reach.

11. Between January and March 2010, as part of my ongoing efforts to build support for the Cyprus negotiations, I also held several constructive meetings with key leaders and senior officials such as Prime Minister George Papandreou of Greece, Prime Minister Recept Tayyip Erdogan of Turkey, Turkish Minister for Foreign Affairs Ahmet Davutoglu, Greek Alternate Minister for Foreign Affairs Dimitris Droutsas, and President Barroso of the European Commission.

## IV. Progress of the talks

12. On 21 December 2009, the leaders issued a joint statement in which they reconfirmed their earlier decision to bolster their efforts by holding intensive rounds of negotiations in January 2010, with the specific aim of reaching further convergence on governance and power-sharing, the economy and European Union matters, as well as continuing discussion on the property issue. They expressed the strong hope that 2010 would be the year of the resolution of the Cyprus problem.

13. Since my previous report, the leaders have met 17 times within the framework of the fully fledged negotiation process, including two rounds of intensive negotiations from 11 to 13 January and 25 to 27 January 2010 and other full-day meetings in January, February and March 2010. From the start of the fully fledged negotiations in early September 2008, until the break at the end of March for the elections in the north, the leaders met 71 times. The meetings between the leaders included 29 meetings to discuss issues related to governance and power-sharing; 5 meetings on European Union matters; 8 meetings on economic matters; 10 meetings on property; 4 meetings on territory; and 2 meetings on security and guarantees. In addition, the meetings of the leaders included six meetings to discuss the issue of citizenship, immigration, aliens and asylum, and seven meetings on various other issues.

14. During the reporting period the leaders continued the second phase of the discussions on three of the chapters: governance and power-sharing, European Union-related matters, and economic matters. The leaders made steady progress on these chapters, reaching further convergence on a number of issues, in addition to convergences previously reached and included in joint papers. They were also able to narrow the gap between their respective positions and explore possibilities for reaching convergence on remaining issues. At the leaders' request, meetings between the respective representatives and technical meetings at the expert level also took place in order to gain a better understanding of each other's position on some areas of divergence and to prepare the groundwork for fuller discussions.

15. Discussions on governance and power-sharing focused on the executive branch, the legislature, federal competences and external relations. Discussions on European Union matters focused mainly on the basis for determining the positions of a united Cyprus in European Union bodies, the implementation of the acquis, derogations, and how to accommodate the settlement within the European Union legal framework. Discussions on economic matters focused on federal competences and functions as well as the federal budget. The expert group on treaties, which was established in September 2009 by the leaders, continued to meet to discuss which treaties will be applicable to a united Cyprus.

16. During the reporting period, earlier negotiations on the property chapter resulted in a joint paper on categories of affected property. This was the first joint paper on this chapter. No meetings were specifically devoted to substantive discussions related to the remaining two chapters, namely, territory and security and guarantees. As for security and guarantees, proposals have been made by a number of interested countries, both formally and informally, to convene multi-party talks, but both sides indicated that it was too soon to discuss these issues.

17. Before the break for the elections in the north, the two leaders issued a joint statement (see annex II) on 30 March 2010, in which they stressed that important progress had been made so far on governance, European Union matters and the economy; that, while the negotiations remained confidential, the leaders "may explain to their communities the progress made so far and the differences that still need to be resolved"; and that they would pursue an exhaustive discussion of "the remaining aspects of the Cyprus problem and the overcoming of the divergent positions soon". The statement represented the commitment of the two leaders to the process and constituted a compromise between maintaining the confidential nature of the negotiations and providing some flexibility for each to address the concerns of their respective constituencies. Subsequently, at a press conference, Mr. Talat gave details on the areas of convergences and Mr. Christofias did the same at an informal meeting of the National Council.

18. Regional and international stakeholders have stepped up their support for the peace talks. The Greek Prime Minister noted the important progress and reiterated his support for Mr. Christofias' approach to the negations during his visit to Cyprus in April 2010. Turkish Prime Minister Erdogan restated Turkey's goal of achieving a lasting comprehensive settlement of the Cyprus problem during an interview with the Greek Cypriot media.

19. On 18 April, in elections held in the northern part of Cyprus, the Turkish Cypriots elected Derviş Eroğlu as their leader, replacing Mr. Talat. Following the elections, Greek Cypriot leader Mr. Christofias and new Turkish Cypriot leader Mr. Eroğlu wrote to me, affirming their commitment to continuing with the talks.

## V. Confidence-building measures

20. During the reporting period, three technical committees made progress in the implementation of some of the measures approved in June and July 2008. The technical committee on crime and criminal matters has launched the distribution of road safety leaflets at crossing points and conducted a seminar on children at risk. In addition, the joint contact room for the timely exchange and provision of information on crime and criminal matters has been functioning on a daily basis

since its establishment in May 2009, and work is ongoing to provide it with longer-term premises. The technical committee on cultural heritage is implementing measures related to a pilot project on the restoration of two places of worship, the compilation of an inventory of immovable cultural heritage and the development of an educational computer programme, as well as other outreach activities. Moreover, the committee's advisory board for the preservation, physical protection and restoration of the immovable cultural heritage of Cyprus has been carrying out on-site assessment visits throughout the island. The technical committee on the environment has focused on cooperation for the elimination of illegal dumping sites and the rehabilitation of the affected areas within the buffer zone. The passage of ambulances through crossing points in cases of emergency, established by the technical committee on health matters, is still functioning. UNDP and the United Nations Peacekeeping Force in Cyprus (UNFICYP) continue to provide support to the implementation of some of the key confidence-building measures arising from the activities of the technical committees.

21. On 29 March 2010, following the agreement reached between the leaders on 26 June 2009 (see S/2009/610), the work was launched by the leaders on the seventh crossing point linking the communities. The work, which is managed by UNDP and assisted by UNFICYP, will link the villages of Limnitis/Yeşilirmak, in the north, and Kato Pyrgos, in the south. UNDP will complete by the end of May the reinforcement work on one side of the façade along Ledra Street. The work was launched by me on 2 February 2010, during my visit.

## VI. Observations

22. Considerable progress was made in the United Nations-sponsored peace talks in Cyprus during the reporting period. The peace talks, in particular the intensive rounds of early 2010, have generated increasing international focus on reaching a lasting solution in Cyprus. There is now a unique opportunity to make a decisive push forward on the talks.

23. On 18 April 2010, Derviş Eroğlu replaced Mehmet Ali Talat as the leader of the Turkish Cypriot community. Mr. Talat made an important contribution to advancing a solution between Turkish Cypriots and Greek Cypriots, and I look forward to Mr. Eroğlu continuing on that constructive path.

24. My Special Adviser will continue to work with both sides to ensure that the talks continue in a productive and expeditious way. The talks must resume within the established framework of a bizonal, bicommunal federation with political equality, in accordance with the relevant United Nations Security Council resolutions and the leaders' joint statements of 23 May and 1 July 2008.

25. The talks must build on the convergences achieved since the fully fledged negotiations began on 3 September 2008. This significant body of work should provide the basis for breaking new ground in the negotiations and bridging remaining divergences. The broad outline and established parameters of a solution are well known and will facilitate the task of reaching a comprehensive settlement.

26. A solution is well within reach. As the leaders themselves said in their 1 February 2010 statement, however, time is not on the side of a settlement. On 21 December 2009, the two sides expressed their strong hope that they would

conclude the negotiations by the end of 2010, and I share this objective. In pursuit of this objective, I will be monitoring closely over the coming months the progress made in the negotiations. I will submit a further report to the Security Council in November assessing the state of the process.

27. The international community expects the peace process to succeed. Following the change of leadership in the Turkish Cypriot community, the international community has encouraged the continuation of the negotiations in a positive spirit and the pursuit of a settlement based on United Nations parameters set out in the relevant Security Council resolutions.

28. I welcome the constructive involvement of all regional actors in supporting the Cypriots to find a solution. Greece and Turkey continue to demonstrate their commitment and both their leaders have expressed a strong desire for a negotiated and lasting comprehensive settlement.

29. In conclusion, I wish to thank my Special Adviser, Alexander Downer, my Special Representative, Tayé-Brook Zerihoun, and the men and women serving in my good offices mission in Cyprus for the dedication and commitment with which they have discharged the responsibilities entrusted to them by the Security Council.

# Annex I

## Joint statement of the Cyprus leaders, read out on their behalf by United Nations Secretary-General Ban Ki-moon, United Nations Protected Area, Nicosia, Cyprus

### 1 February 2010

We, as the two leaders, express our gratitude for the visit of the United Nations Secretary-General to Cyprus, which demonstrates the continued interest of the United Nations and the international community in a comprehensive settlement of the Cyprus problem under the Secretary-General's good offices mission.

Taking this opportunity, we express our appreciation to the Secretary-General for his good offices mission as approved by the Security Council, and for the efforts aimed at finding a mutually agreed solution.

Working groups comprising Greek Cypriots and Turkish Cypriots have devoted time and effort to thoroughly discuss all aspects of the Cyprus problem.

We ourselves, together with our Advisers and our teams, have been working diligently for more than a year on all chapters of the Cyprus problem. We have worked on the basis of the integrated whole approach, which is "nothing is agreed until everything is agreed". Good convergence has already been achieved in some chapters. For the rest, we are determined to work hard to achieve the desired progress.

Over the last three weeks we have worked hard during our intensified negotiations, mainly on the chapter of governance and power-sharing, and achieved important progress.

We express our strong commitment to continue to work on this and the rest of the chapters. We express our confidence that, with good will and determination, we can achieve a solution in the shortest possible time.

It is our common conviction that the Cyprus problem has remained unresolved for too long. We are also aware that time is not on the side of settlement. There is an important opportunity now to find a solution to the Cyprus problem that would take into full consideration the legitimate rights and concerns of both Greek Cypriots and Turkish Cypriots. We are aware that such a settlement is in the interest of all and that it will finally bring peace, stability and prosperity to our common home, Cyprus.

# Annex II

## Joint statement of the two leaders

### 30 March 2010

We have been engaged in a serious effort to find a comprehensive settlement to the Cyprus problem in the shortest possible time. We express our appreciation to the United Nations Secretary-General for his mission of good offices entrusted to him by the Security Council and for his efforts aimed at finding a mutually agreed solution of the Cyprus problem.

After many meetings that have taken place to date, and our discussions on all aspects of the Cyprus problem, we are encouraged by the important progress we have made so far on the chapters of governance and power-sharing, European Union matters and the economy, and we are convinced that with perseverance we shall achieve a comprehensive settlement.

We underscore the fact that negotiations are being conducted under the overriding principle of the "integrated whole approach", which means that "nothing is agreed unless everything is agreed".

We are convinced that our mutual concern for the common good of the Greek Cypriots and the Turkish Cypriots and our will for a comprehensive solution will soon lead us to an exhaustive discussion of the remaining aspects of the Cyprus problem and the overcoming of the divergent positions soon, so as to achieve a mutually acceptable solution that will be put to separate simultaneous referendums.

While the negotiations remain confidential, it is recognized that the leaders may explain to their communities the progress made so far and the differences that still need to be resolved.